



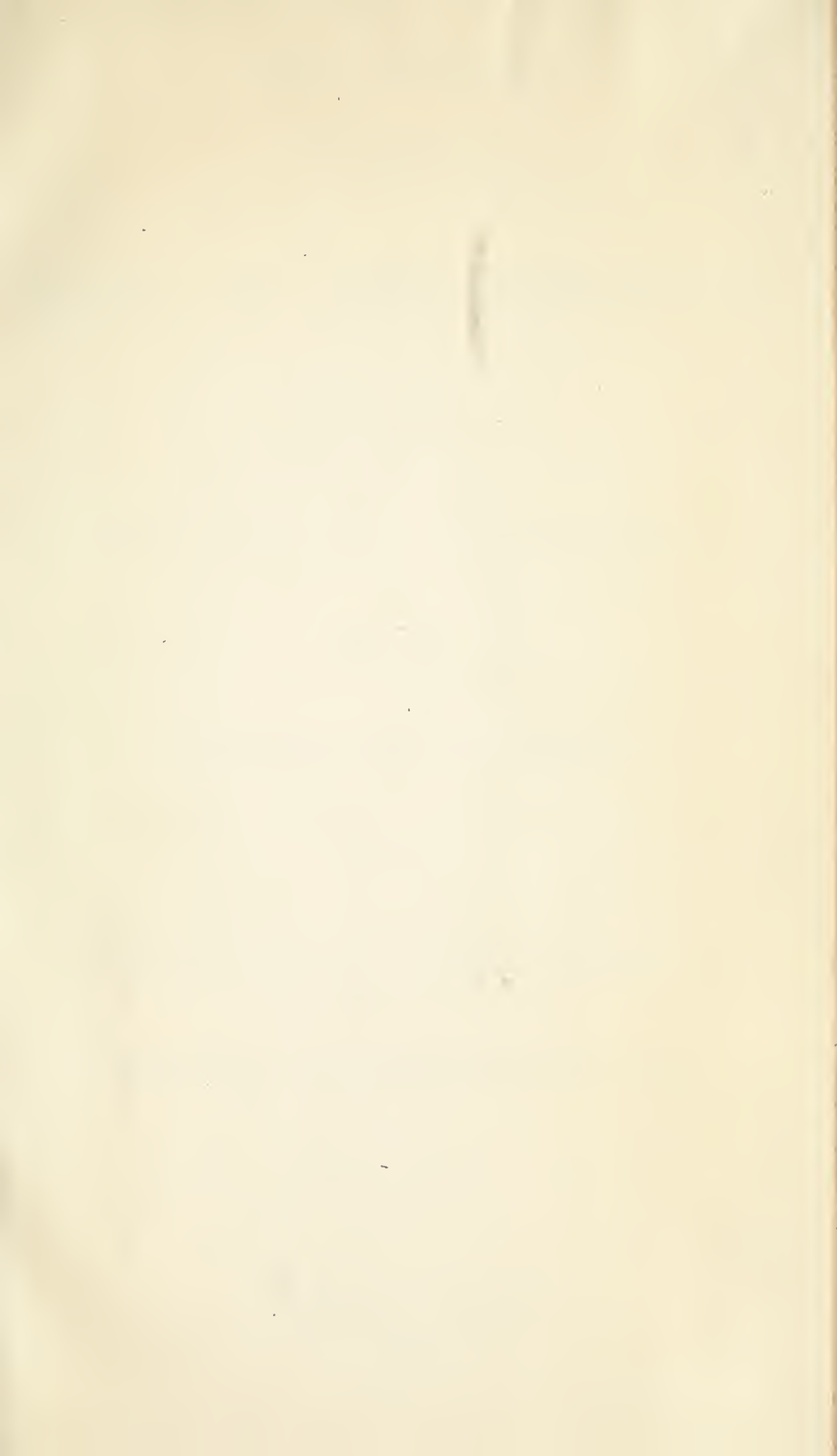


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JOURNAL

*Library*  
OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF INDIANA,

DURING THE

FORTIETH REGULAR SESSION

OF THE

GENERAL ASSEMBLY

COMMENCING THURSDAY, JANUARY 6, 1859.

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# JOURNAL

## OF THE

# HOUSE OF REPRESENTATIVES

*During the fortieth regular session of the General Assembly of the State of Indiana, begun and held in the city of Indianapolis, on Thursday the sixth day of January, in the year of our Lord one thousand eight hundred and fifty-nine, being the day fixed by the Constitution of the State for the meeting of the same.*

The Hon. Jonathan W. Gordon, Speaker of the last session of this General Assembly, took the Chair and called the House to order.

Mr. Colgrove demanded a call of the House,  
Which was ordered.

The clerk proceeded to call the roll when the following members answered to their names:

Messrs. Black, Blythe, Bowman, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, McLain, Massey, Martin, Nelson, Newton, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Woods and Mr. Speaker—50.

Mr. Dougherty moved that the absentees be sent for,  
Which was so ordered.

Mr. Turpie offered the following resolution:

*Resolved*, That the principal clerk of this House act as the presiding officer of this session until a permanent organization is effected.

The Speaker decided the resolution to be out of order.

Mr. Turpie took the following appeal:

Mr. Turpie presented the following resolution:

*Resolved*, That the principal clerk of this House act as the presiding officer of this session until a permanent organization is effected.

Which the person occupying the chair decided to be out of order.

From which I appeal.

D. TURPIE.

Mr. Colgrove moved that the House do now adjourn.

Messrs. Turpie and Keifer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Boyd, Colgrove, Collier, Durham, Edwards, Harrison, Hartley, Hunter, Jones, Martin, Row, Tebbs and Gordon—12.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Davis, Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Harney, Jordan, Keifer, Kempf, Knowlton, Lawhead, McLain, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—41.

So the House refused to adjourn.

Mr. Gordon moved that Mr. Davis take the Chair, until an organization be effected.

Which was agreed to.

Mr. Davis then assumed the Chair, and proceeded to act as Speaker, *pro tem*.

The call of the House was resumed,

When the following members answered to their names, viz:

Messrs. Black, Blythe, Bowman, Boyd, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Gifford, Gregory, Hancock, Harney, Harrison, Hartley, Hunter, Jones, Jordan, Keifer, Kempf, Knowl-

ton, Lawhead, McLain, Massey, Merrifield, Murray, Martin, Nelson, Newton. Parrett, Prosser, Row, Rynerson, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Woods and Mr. Speaker—57.

Mr. Gordon moved that the Speaker, *pro tem.*, cause the absentees to be sent for,

Which was agreed to.

After repeating the call several times, all the members answered to their names except Messrs. Kelly, Lewis, Major and Whiteman.

Mr. Edwards moved that the members be sworn into office.

Which was agreed to.

All the members, except Messrs. Kelly, Lewis and Whiteman, came forward and were sworn into office by the Hon. James M. Hanna, one of the Judges of the Supreme Court of the State of Indiana.

Mr. Colgrove moved to dispense with a further call of the House.

Which was agreed to.

Mr. Colgrove then moved to proceed to the election of a Speaker.

Mr. Prosser moved that the House adjourn until 2 o'clock, P., M.

Messrs. Gordon and Colgrove demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—48.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Warren, Nebeker of Vermillion, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Wildman and Gordon—49.



So the House refused to adjourn.

Mr. Dougherty moved to adjourn until 2½ o'clock, P. M.

Mr. Gordon moved to lay the motion on the table.

Messrs. Gordon and Dougherty demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Whetzel, Wildman and Gordon—52.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kempf, Knowlton, Lawhead, McLain, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, and Woods—44.

So the motion did prevail.

The question being on the motion to proceed to the election of a Speaker.

Mr. Colgrove moved the previous question.

Mr. Keefer demanded a call of the House.

Which was ordered.

The Clerk proceeded with the call, when the following members answered to their names.

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Jones, Johnston, Jordan, Keefer, Kempf, Knowlton, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Millet, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power,

Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usry, Waterman, Wheeler, Whetzel, Woods and Gordon—97.

Mr. Colgrove moved to suspend the further call of the House.  
Messrs. Gordon and Keifer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanley, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker—52

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kempf, Knowlton, Lawhead, McLain, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shull, Smith of Perry, Snyder, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Waterman, Wheeler and Woods—44.

So the further call was dispensed with.

The question being, on the motion by Mr. Colgrove, for the previous question.

Mr. Harney asked for leave of absence.

Mr. Murray moved that the House adjourn until 2 o'clock, P. M.  
Messrs. Martin and Collier demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Hartley, Jordan, Keefer, Kempf, Knowlton, Lawhead, McLain, Massey, Merrifield, Murray, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—48.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Gordon—50.

So the House refused to adjourn.

Mr. Whiteman came forward and was sworn into office by the Hon. S. Stanfield.

Mr. Scott moved a call of the House.

Messrs. Turpie and Dougherty demanded the ayes and noes.

Mr. Keefer asked to be excused from voting.

On motion by Mr. Hunter,  
The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met.

Messrs. Lewis and Kelly came forward and were sworn in by Mr. Davis, the Speaker *pro tem*,

Mr. Colgrove demanded a call of the House,  
Which was ordered.

The clerk proceeded with the call, when the following members answered to their names:

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Har-



rison, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Woods and Gordon—97.

Mr. Prosser moved that the absentees be sent for,  
Which was ordered.

Messrs. Murray and Cotton made their appearance.

Mr. Clements moved that the further call of the House be suspended.

Messrs Jefferis and Harrison demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—48.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Boxley, Boyd, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Gordon—51.

So the further call was not suspended.

Mr. Griffin made his appearance.

On motion by Mr. Ritter,  
The further call was dispensed with.

The question being on the motion, by Mr. Colgrove, for the previous question,

It was seconded by the House.

The question being, shall the main question be now put?  
It was so ordered.

The question being, on proceeding to the election of Speaker.  
It was agreed to.

Mr. Dobbins nominated the Hon. James E. Blythe, Representative from the counties of Vanderburgh and Posey.

Mr. Colgrove nominated the Hon. Jonathan W. Gordon, Representative from the county of Marion.

*Those who voted for Jonathan W. Gordon were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavens, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffers, Johnston, Jones, Kelly, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Tebbs, Thompson of Elkhart, Treauway, Whetzel, Whiteman and Wildman—50.

*Those who voted for James E. Blythe were,*

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shall, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—44.

Mr. Edwards voted for R. F. Boyd, member from the county of Lawrence.

Mr. Stanfield voted for James M. Austin, one of the members from the county of Wayne.

Mr. Hartley voted for Horatio R. Claypool, Representative from the county of Fountain.

Mr. Murray was in his seat when his name was called, but refused to vote.

Jonathan W. Gordon having received a majority of all the votes



cast, was declared by Mr. Davis, Speaker *pro tem*, duly elected Speaker of the House of Representatives for and during the present term of the General Assembly, and was conducted to the Chair by Messrs Blythe and Branham.

Whereupon the Speaker returned his acknowledgments for the honor conferred upon him.

On motion,

The Speaker was sworn into office by Mr. Davis, of Floyd.

On motion by Mr. Ritter,

The House proceeded to the election of a Principal Clerk.

Mr. Shields nominated Richard J. Ryan, Esq.

Mr. Parrett nominated John P. Dunn, Esq.

*Those who voted for R. J. Ryan were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hamilton of Boone, Harrison, Hunter, Jeffries, Johnston, Jones, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—54.

*Those who voted for Mr. Dunn were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clement, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—46.

Richard J. Ryan, having received a majority of all the votes given, was declared duly elected Principal Clerk for and during the present term of the General Assembly, and was sworn into office by the Speaker and entered upon the discharge of his duties.

On motion,

The House proceeded to the election of Assistant Clerk.

Mr. Stiles nominated George H. Chapman, Esq.

Mr. Clements nominated E. Ellis Campbell, Esq.

*Those who voted for George H. Chapman were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—53.

*Those who voted for E. Ellis Campbell were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordon, Keefer, Kelly, Kempf, Knowlton, Lewis, McLain, Massey, Merrifield, Nelson, Newton, Parks, Parrett, Prosser, Row, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—45.

George H. Chapman, having received a majority of all the votes given, was declared duly elected Assistant Clerk for and during the present term of the General Assembly, was sworn into office by the Speaker, and entered upon the discharge of his duties.

On motion by Mr. Devol,  
The House proceeded to the election of Doorkeeper.

Mr. Devol nominated Robert Jennings.

Mr. Clements nominated Henry Achey.

*Those who voted for Mr. Jennings were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davisson, Davis, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Kelly, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Wetzell, Whiteman, Wildman and Mr. Speaker—53.



*Those who voted for Mr. Henry Achey were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—44.

Messrs. Collier, Jones and Shockley voted for Mr. Smedley.

Robert Jennings, having received a majority of all the votes given, was declared duly elected Doorkeeper for and during the present term of the General Assembly, was sworn into office, and entered upon the discharge of his duties.

On motion by Mr. Gifford,

*Resolved*, That the Senate be informed that the House of Representatives has organized by electing Hon. Jonathan W. Gordon Speaker, Richard J. Ryan Principal Clerk, George H. Chapman Assistant Clerk, Robert Jennings Doorkeeper, and that they are ready to proceed to legislative business.

A message from the Senate by Mr. Vawter their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate have met, organized, and have adopted the following resolutions:

*Resolved*, That the Secretary of the Senate inform the House that they have organized by electing Hon. John R. Cravens, as President, *pro tem.*, James H. Vawter as Principal Secretary, James N. Tyner as Assistant Secretary, A. F. Shortridge as Doorkeeper, and John Osborne as Assistant Doorkeeper, and that they are ready to proceed to business.

A message from the Senate by Mr. Vawter their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has adopted the following resolution:

*Resolved*, That a committee of three be appointed to act with a like committee on the part of the House, to wait upon his Excellency the Governor, and inquire when it would be convenient for him to deliver his message to the General Assembly.

And that Senators Heffren, Hamilton and Jones have been appointed committee on the part of the Senate.

In which the concurrence of the House of Representatives is respectfully requested.

The resolution was concurred in.

The Speaker appointed Messrs. Ritter, Davis and Blythe said committee on part of the House.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Colgrove,

The House adjourned until to-morrow morning, 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
January 7, 1859. }

The House met.

The journal was read and approved.

Mr. Hunter asked and obtained leave of absence for Messrs. Fordyce and Murray, during the sittings of the State Board of Agriculture.

Mr. Ritter, from a select committee, made the following report, viz:

**MR. SPEAKER:**

The committee of the House to act with a like committee of the Senate, to wait upon his Excellency the Governor, and inquire when it would be convenient for him to deliver his message to the General Assembly, have discharged that duty and find that it is the pleasure of his Excellency to deliver the same to-day, at 2 o'clock, P. M.

On motion by Mr. Turpie,

*Resolved*, That the rules of the House, of the last regular session, be adopted as the rules of this House until otherwise ordered.

On motion by Mr. Murray,

*Resolved*, That newspaper reporters be allowed seats inside of the bar, for the purpose of reporting the proceedings of this House.

On motion by Mr. Austin,

*Resolved*, That a committee of three be appointed to revise and prepare rules for the government of the House of Representatives, during the present session.

Mr. Scott offered the following resolution, viz :

*Resolved*, That a committee of five be appointed to inquire into the expediency of employing a reporter for the House, whose duty it shall be to make a full report of its proceedings, and cause the same to be published in the form of the Legislative Sentinel, and that said committee make inquiry into the cost of furnishing each member of the House with four copies of the same.

Mr. Murray offered the following as an amendment to the foregoing resolution :

*Resolved*, That the Doorkeeper contract with the publishers of the Indiana State Journal, State Sentinel, Indiana American and the two German papers, for three copies of their respective papers, for the use of the members of this House, two copies to be delivered enveloped and stamped.

Mr. Cavens moved to amend the amendment by inserting "two copies of the Daily Citizen,"

Which was not agreed to.

Mr. Waterman moved to amend the amendment "so as to allow each member to designate what papers he will take, the cost not to exceed that of the number in the resolution."

Mr. Murray moved to lay the resolution and pending amendments on the table.

Messrs. Murray and Devol demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Boyd, Cavins, Clayton, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Johnston, Knowlton, Murray, Martin, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Stanfield, Thompson of Elkhart, Whetzel and Mr. Speaker



*Those who voted in the negative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boxley, Brotherton, Carr, Clark, Claypool, Clements, Colgrove, Collier, Dobbins, Durham, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hancock, Jefferis, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Scott, Sherman, Shull, Smith of Miami, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whiteman and Woods—62.

So the resolution was not laid on the table.

Mr. Devol offered the following amendment to the amendment:

*Resolved*, That in the opinion of this House, it is inexpedient for the House to subscribe for any newspapers to be paid for out of the funds of the State, or to pay anything for reporting the proceedings of the House.

Mr. Keefer moved to lay the amendment on the table.

Messrs. Devol and Harrison demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Dobbins, Durham, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hancock, Harney, Hartley, Jefferis, Jones, Jordan, Keefer, Lawhead, Lewis, McLain, Mansfield, Massey, Merrifield, Murray, Nelson, Newton, Parks, Parrett, Power, Prosser, Row, Scott, Sherman, Shull, Smith of Miami, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Usrey, Waterman, Wheeler, Whiteman, Wildman and Woods—65.

*Those who voted in the negative were,*

Messrs. Colgrove, Davis, Dougherty, Devol, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kelly, Kempf, Knowlton, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Ritter, Robinson, Rynerson, Shields, Shockley, Stanfield, Treadway, Turpie, Whetzel and Mr. Speaker—27.

So the amendment was laid on the table.



Mr. Firestone moved the previous question.  
Which was not seconded.

The question being on the adoption of the amendment of Mr. Murray, as amended.

Messrs. Hunter and Mellett demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Clark, Clements, Dobbins, Early, Firestone, Gifford, Hancock, Harney, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, McLain, Massey, Merrifield, Nebeker of Warren, Nelson, Shields, Shull, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Summers, Turpie, Waterman, Wheeler, Wildman, Wood and Mr. Speaker—33.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Black, Blythe, Boyd, Boxley, Brotherton, Carr, Cavins, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Edwards, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Kelly, Lewis, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Newton, Parks, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shockley, Smith of Miami, Standfield, Tebbs, Thompson of Madison, Thompson of Elkhart, Treadway, Usrey, Whitzel and Whiteman—58.

So the amendment was not agreed to.

The question then recurring on the adoption of the original resolution as offered by Mr. Scott.

Mr. Murray moved to lay the resolution on the table.

Messrs. Murray and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Colgrove, Davis, Dobbins, Dougherty, Devol, Early, Firestone, Gifford, Griffin, Hancock, Harney, Harrison, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parrett, Prosser, Ritter, Row, Ryerson, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Standfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Waterman, Wheeler, Whetzell, Wildman and Wood—66.

*Those who voted in the negative were,*

Messrs. Austin, Black, Boxley, Comstock, Cotton, Davisson, Durham, Edwards, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hunter, Jefferis, Johnston, Mellett, Newton, Parks, Power, Robinson, Scott, Sherman, Tebbs, Treadway, Usrey, Whiteman and Mr. Speaker—28.

So the resolution was laid on the table.

Mr. Nebeker of Vermillion, offered the following resolution:

*Resolved*, That the Doorkeeper be authorized to subscribe for three copies of the Daily Sentinel, three of the Daily Journal, three of the Weekly American, three copies each of the two weekly German papers, published in Indianapolis, for the use of each member of the House.

Mr. Rynerson moved to amend as follows:

*Provided*, "The publishers will afford the same at their ordinary club rates."

Which was accepted by the mover.

Mr. Hamilton of Boone, moved to amend by inserting the "Weekly Expositor" and "Boone County Pioneer."

Which was not agreed to.

Mr. Knowlton moved to amend by striking out all after the word "resolved" and inserting the following:

"That the Doorkeeper contract for three copies each of Daily Sentinel and Journal, two copies to be stamped and enveloped, and placed upon the desks of each member of this House."

Mr. Murray moved to lay the amendment on the table;

Which was not agreed to.

The amendment was then agreed to.

Mr. Nebeker of Warren, moved the previous question;

Which was seconded by the House.

The question being shall the main question be now put.

It was agreed to.

The question being on the adoption of the resolution as amended.

Messrs. Hall of Rush and Hamilton of Boone, demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Brotherton, Clark, Clayton, Clements, Colgrove, Collier, Cotton, Davisson, Dobbins, Early, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hall

of Rush, Hamilton of Wayne, Hancock, Harney, Hartley, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parrett, Power, Prosser, Shull, Stanley, Stanfield, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Waterman, Wheeler, Whiteman and Wood—54.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Black, Boxley, Carr, Comstock, Davis, Dougherty, Durham, Devol, Hamilton of Boone, Harrison, Hunter, McLain, Mansfield, Mellett, Miller, Murray, Newton, Parks, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Stiles, Tebbs, Treauway, Whetzel, Wildman and Mr. Speaker—35.

So the resolution was agreed to.

On motion by Mr. Murray,

*Resolved*, That a committee of three be appointed to wait upon some Minister of the gospel of this city, and request him to open the present session of this General Assembly, with prayer, at 2 o'clock, this afternoon, immediately preceeding the delivery of the message of his Excellency, the Governor.

On motion by Mr. Dobbins,

*Resolved*, That the Senate be invited to attend in this Hall, this day at 2 o'clock, P. M., to receive the communication of his Excellency, the Governor, and that seats be prepared on the right of the Speakers' chair, and that the Senate be informed of the adoption of this resolution.

Mr. Prosser offered the following resolution:

*Resolved*, That the Doorkeeper be authorized to purchase three dollars worth of postage stamps for each member in this House, two dollars worth to be in one cent stamps.

Mr. Knowlton moved the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was so ordered.

The question then being on the adoption of the resolution,

Messrs. Hunter and Hamilton of Boone, demanded the ayes and noes.



*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clayton, Clements, Collier, Comstock, Dobbins, Durham, Early, Edwards, Gifford, Hall of Grant, Hamilton of Wayne, Hartley, Johnston, Jones, Keefer, Kempf, Knowlton, Lawhead, Lewis, Massey, Mellett, Merrifield, Nebeker of Vermillion, Nebeker of Warren, Nelson, Prosser, Ritter, Row, Shockley, Shull, Smith of Miami, Stiles, Summers, Tebbs, Thompson of Madison, Wheeler, Whiteman and Woods—17.

*Those who voted in the negative were,*

Messrs. Austin, Clark, Claypool, Colgrove, Cotton, Davis, Dougherty, Devol, Firestone, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Harrison, Hunter, Jeffers, Jordan, Kelly, McLain, Mansfield, Murray, Martin, Newton, Parks, Parrett, Power, Robinson, Scott, Sherman, Shields, Stanley, Stanfield, Sullivan, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Whetzel Wildman and Mr. Speaker—42.

So the resolution was agreed to.

On motion by Mr. Gifford,

*Resolved*, That the Doorkeeper be authorized to appoint two boys to act as pages to this House, during the present session.

Mr. Durham offered the following resolution :

*Resolved*, That the Clerks of this House, be allowed each a copy of the Daily Sentinel and Daily Journal.

Mr. Keefer moved to amend so as to include Doorkeeper and Assistants.

Which was not agreed to.

The question then being on the adoption of the resolution,  
It was not agreed to.

Mr. Tebbs moved that the House do now adjourn.

Which did not prevail.

The question then recurring on the resolution of Mr. Hunter,  
It was agreed to.

Messrs. Austin, Edwards and Scott, were appointed a select committee on rules, under the resolution of Mr. Austin.

Mr. Hunter offered the following resolution :

*Resolved*, That a committee of three be appointed to act as a

committee on stationery, and to make the same regulations in reference to purchase and distribution thereof, as at the last session of this Legislature.

Mr. Clements moved to lay the resolution on the table.  
Which was not agreed to.

Messrs. Murray, Blythe and Gregory, were appointed a select committee to procure the services of some Minister of the Gospel to attend and open this session of the General Assembly with prayer, this afternoon at two o'clock.

Mr. Knowlton asked and obtained leave of absence until Monday next.

On motion by Mr. Merrifield,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

Mr. Blythe, from a select committee, made the following report:

MR. SPEAKER :

The select committee appointed to wait upon some Minister of the Gospel of this city, and procure his services to open the present session of this General Assembly with prayer, have performed that duty, and have directed me to report that the Rev. Mr. Tindall will perform that office.

Which was concurred in.

On motion by Mr. Turpie,

*Resolved*, That the Stationery Clerk render to the Secretary of State an account of his disbursements of the same during the special session, and that he account to the said Secretary for the re-



mainder in his hands at the close of the same, and that he take the same action, and under the same account for the regular session.

The Senate came in for the purpose of opening the General Assembly with prayer, and hearing the message of his Excellency the Governor.

Mr. Cravens, President *pro tem.*, of the Senate, called the Assembly to order.

The Rev. Mr. Tindall then opened the General Assembly with prayer.

After which his Excellency delivered his message to the General Assembly.

The Senate then retired to their own chamber.

The Speaker laid before the House the following message of his Excellency, the Governor:

*Senators and Representatives :*

At the special session of the General Assembly, I asked your consideration of those questions only which I thought demanded your immediate attention; and deferred, until the present, any recommendations except those which should be presented to you at the time when the Constitution of the State required that you should assemble as the Representatives of the people.

On the 9th of March, 1852, an act was approved, entitled "An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers."

Under this law, associations have been formed, that have arrested and punished individuals, without bringing them for trial before the ordinary and legal tribunals of the State. It is better that every person, charged with a violation of the law, should be arraigned before, and tried by the courts of justice. I recommend to you the repeal of that law. There would be no necessity at any time for honest men to form associations for the purpose of arresting and punishing criminals, if the State and counties made a sufficient allowance to indemnify their police officers in arresting and bringing to trial those who violated the law. You cannot expect that the sheriffs and other police officers will devote their time, and expend their money to bring those who violate the law before the tribunals of justice, unless they receive a reasonable compensation. While this class of officers are unpaid, we may expect that an indignant people, who have been outraged by criminals, will disregard the law, and punish without authority those whom they believe have done wrong.

Section 2 of Article 4 of the Constitution of the United States

requires that "a person charged in any State with treason, felony <sup>fugitive</sup> or other crime, who shall flee from justice, and be found in another <sup>jurisdiction</sup> State, shall, on demand of the executive authority of the State from <sup>justice</sup> which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

During my term of service I have declined to surrender to the authorities of other States, those persons who are charged with offences which, at the time of the establishment of the Constitution of the United States, were misdemeanors.

Since the adoption of this section of the Constitution, several of the States have so changed their laws that many offences which were then misdemeanors are now declared felonies. The authors of this section, evidently, in providing for the surrender of fugitives from justice, intended to include those only who are charged with crime, and not those who were charged with misdemeanors. It was not their intention to require of a State that one of her citizens should be surrendered to another State, when he was simply charged with that which was then a misdemeanor, although a State making such demand, should, by her law, declare that what was then a misdemeanor is now a felony. For instance, when the Constitution was adopted, an assault and battery was a well known offense and legally defined a misdemeanor. No State had a right to change the character of that offense from a misdemeanor to a felony, and upon a person being so charged with such alleged felony, escaping from the State of his residence to another State, require of the authorities of that State his return. Without any such provision in the Constitution, each State would be at liberty to surrender or not, any person within her borders charged with an offense. There being no act of the Legislature directing that a person should be delivered up, I have considered the Constitution of the United States as alone controlling the surrender of fugitives from justice.

The citizens of the State are deeply interested in the preservation of the public records. Hitherto there has been no safe depository for them. The officers of State have been compelled to rent rooms in which to place the records. It is impossible in this city to secure the use of rooms that are safe against accident or crime. If many of the counties are willing to make large expenditures in the erection of buildings for the preservation of their records, I am satisfied that the State can, with far greater propriety, provide a building for a similar purpose. The destruction of the records of the State would entail upon her citizens lasting conflicts concerning the rights of property. The expense of the litigation which would arise from their destruction would far exceed any expense in the erection of a building suitable to accommodate all the officers of State. I suggest to you, therefore, the propriety of erecting at any early day, upon some of the public grounds, a building wherein the Judges of the Supreme Court and the officers of State may be enabled to preserve the public records.

The Trustees of the Wabash and Erie Canal reported to me, in



Dec., 1857, the condition of that work. The report for the year 1858 will be laid before you at an early day, which will inform you as to its present condition. I regretted to see, in their report of 1857, that its revenues were greatly diminished; and I am informed that during the past year there has been no improvement. It is, indeed, feared that the revenues will prove wholly inadequate to keep the canal in repair, and that by them alone it cannot be maintained. I am further informed that the bondholders are unwilling to sustain the work by any other means than those derived from its revenues, having already invested one-half of the entire debt of the State in the work itself, besides advancing \$800,000 for its completion. They have informed the Board of Trustees, in the most formal manner, their determination to close the canal, and abandon the work, whenever its tolls and revenues shall be inadequate to its support. The report of 1858 will disclose the extent and nature of the action of the bondholders.

The abandonment of the work would seriously embarrass those who reside in the vicinity of the canal. If the work should be abandoned by the Trustees, there is no law under which it could be maintained.

Frequently the attention of the Legislature has been called to the necessity of increasing the salaries of the judicial, administrative and executive officers of the State. Section 12 of Article 1 of our Constitution declares that "justice shall be administered freely and without purchase, completely and without denial, speedily and without delay." Upon examination I find there are more than nine hundred undecided cases in the Supreme Court.

The law requires the Judges of the Supreme Court to be present at the Capitol but sixty days in each year. That is as much time as they can spend here upon their present salary. If they receive a compensation sufficient to enable them to devote more of their time at the Capitol to the consideration of the judgments they are required to revise, the number of undecided causes would be much diminished. The citizens of the State must be greatly embarrassed for the want of decisions concerning their personal liberty and rights of property. Believing that the most ready mode of securing early decisions would be to enable the Judges of the Supreme Court to remain longer in consultation, I recommend to you such an increase in their salaries as will support them in the discharge of their duties, and afford them a reasonable compensation for their expense and labor. They would be greatly aided if they were supplied with a sufficient library. They should be authorized to purchase, for the use of the Court, a library over which they shall have the entire control.

While I have thus urged the necessity of the increase of the salaries of the Judges of the Supreme Court, I do not regard it as less your duty to provide for the Judges of the Circuit Courts. Many able and accomplished lawyers have accepted positions as Circuit Judges, entertaining the hope that the Legislature would be willing

to pay them a reasonable compensation for their services. It would be difficult to select many among them who would not receive in the practice of their profession more than twice that which they receive for their official services. The State has no right to require of one of her citizens that he should toil to see that crime is punished and justice administered, without giving that citizen a reasonable compensation.

No increase or diminution of the salary of the Governor of the State can be made after his term of service commences. Before the next regular session of the General Assembly the people of the State will have elected a Governor. Inasmuch as there is but a short time intervening between the commencement of said session and the inauguration of the Governor elect, I regard it your duty to take into consideration the subject of his salary. I have no hesitation in recommending to you that you provide for him such a compensation as is worthy of the State of Indiana. in regard to Governor

The laws of the State in regard to the qualification of voters and the election of officers are inadequate to protect the suffrages of honest men against fraud. On several occasions within the last few years men have left the county of their residence, gone to others, where they had no permanent homes, where they did not intend to remain longer than the day of election, have there cast their votes, and thus determined who should be the officers and representatives of the counties they visited. The inspectors of elections, in some of the townships, have denied to legal voters the right of expressing their choice of officers. election laws

A government which depends entirely upon the action of a majority of her people cannot be maintained for any length of time unless that people are permitted to determine, without violence or fraud, who shall be their officers and representatives. Every citizen who is desirous of maintaining peace, every citizen who is attached to, and willing to sustain our form of government, should be anxious that no illegal vote should ever be cast, and that no legal voter should be deprived of the right to cast his vote. A law should be passed inflicting severe penalties upon the officers who superintend elections, if they decline to receive a legal vote, or if they admit one which is illegal. Likewise provision should be made to punish criminally any man who leaves the county of his residence, goes to another with the intention of there voting and then returning to his home.

If an illegal voter could be punished by imprisonment in the State Prison, bad men would be deterred from wrongfully voting.

The General Assembly of 1857 failed to make any appropriation for the benevolent institutions. The reason for that failure was, I think, not to be found in any hostility entertained by the members of the Legislature to those institutions. They knew that the constitution of the State provided for their support, and that they were objects of charity around which the hearts of their constituency



clustered with affection. No appropriation having been made for their support, the question arose, whether they should be closed, or the money in the treasury paid out for their support. Believing that the Constitution of the State reflected the will of her people, and not being authorized by law to control the action of the Treasurer of State, I did not hesitate to advise him to advance any unappropriated funds in his possession to maintain every institution. He doubted whether he had the power thus to act. By his failure to advance the necessary means the Hospital for the Insane was closed on the 3d day of April, 1857, and the Institution for the Education of the Deaf and Dumb on the 10th of the same month, that for the education of the Blind not until the close of its regular term. The Treasurer of State upon more mature reflection, became satisfied that you would approve his conduct if he advanced the means to sustain the institutions. He accordingly signified a willingness thus to act. Thereupon the officers of State on the 16th of September, 1857, by unanimous resolution, advised him to pay the money of the State in his possession to sustain those institutions, and they were opened. He has paid from the treasury the money for their support, and for this advance by him I recommend that an appropriation be made.

Whatever conflict of opinion may exist concerning national or State policy, on other subjects, I am unwilling to believe that it is essential to the success of those who entertain either the one opinion or the other, that the most afflicted of our people should be deprived of the education and comforts which can alone make life to them desirable, much less that those who have been deprived of reason should be denied the best hope of restoration. If economy alone was consulted, these Institutions cost less than the counties would be required to pay in sustaining their inmates at home. In addition to that, there are secured to the Deaf and Dumb and Blind far better opportunities for improvement, where they are gathered together in numbers, competent teachers secured, who devote the service of a life to their improvement. And as to the inmates of the Insane Hospital, every well advised physician will express his opinion that the best prospect for the restoration of their reason is to be found in placing them in the asylum. The institutions have been conducted with economy and skill. The reports of their officers urge upon you that appropriations be made for the enlargement of the Hospital for the Insane, and the repair of the others. I most cheerfully join with them in their recommendations.

*State Prison* I recall your attention to the condition of the Penitentiary. The number of convicts there confined is 484. The prison is crowded so that they cannot be employed with profit. When the warm season arrives there will be great danger of disease. With reference to the remedy which should be applied, I refer you to the message delivered at the special session. The reports of the Directors and Warden will be laid before you. They exhibit the result of the system adopted for the government and management of the State Prison.



So far as the health and discipline of the prisoners are concerned. the result of the new organization has been beneficial. The State has pecuniarily suffered no loss.

On the 28th of January, 1834, an act was approved establishing a State Bank. Said act, by its terms, ceased to be a law on the 1st of January, 1859. Under this law the Bank commenced and continued its operations as a corporation authorized to issue and circulate notes, discount paper, and transact all other ordinary banking business, until the 1st of January, 1857. At that time its outstanding circulation was \$4,208,725, with a debt due to the institution, principally from citizens of this State, of \$6,095,368 12. Between the 1st of January, 1857 and 1859, the Bank redeemed nearly its entire circulation and provided amply for the redemption of that which has not been returned. She has collected from most of her debtors the money which they owed. The gentlemen who have conducted this institution are entitled to credit for the ability they have exhibited in the management of its affairs. The State was interested in the Bank. She invested in its stock \$1,390,000. The money to make that investment was procured by the issuing of 5 per cent. bonds, the last of which will be payable July 1st, 1866. The President of the Bank and four Directors, all chosen by the Legislature, were constituted a Board of Commissioners of a Sinking Fund. They were charged with the duty of receiving the dividends upon the State stock, paying the interest upon the bonds, and investing the surplus in mortgages upon real estate, for the benefit of the fund. The gentlemen who at various times have had charge of this Fund have managed the same with care and fidelity. The report of the Commissioners shows that its nominal profits are \$2,780,604 36. By the law creating the Sinking Fund that Fund was appropriated: First, to pay the principal and interest upon the bonds; second, the expenses of the Commissioners; and lastly, to the cause of Common School education.

The faith of the State being thus solemnly pledged, enabled those who negotiated the bonds to sell them at a premium of \$29,496 92. There is now due upon these bonds \$979,000, payable between the 13th of September, 1864, and July 1st, 1866. Unless the fund should be diverted from its original purpose, those who control it will at all times be able to pay promptly this indebtedness. But had there been no interference on the part of the Legislature with the original act, that fund would now amount to \$3,000,000, and by the time the interest can be drawn for common school purposes, more than \$4,000,000.

Unfortunately, however, during the years 1841 and 1842, \$676,308 04 were applied to other purposes. True, the State engaged to return the amount with interest. This, however, has not been done. But without resorting to the collection of the mortgages held by the Commissioners, there are \$1,052,896 25 of available means. This will be sufficient to pay the bonded debt.

I think the State should not divert any more of the fund to the

ordinary expenses of the Government. Justice to the holders of the bank bonds requires that an amount sufficient to meet them when due, should always be at the command of the Commissioners. And the interest of education in this State requires not only the preservation of what remains of the fund, but an early return of all that the State has drawn from it. Those who, twenty-four years ago, saw in the future the prospect of creating a common school fund, not by taxation, but by a faithful administration of the law, are worthy of our commendation. They believed that it was the duty of every citizen of the State to lend whatever influence he had to the education of the sons and daughters of Indiana. Shall we, at this day, when from the result of their action a noble fund has been created, lay our hands upon and destroy it forever? Some there are who do not favor the education of the children of the State.

Great injustice is sometimes done in providing by taxation the means necessary to sustain the schools. But here is a fund which never cost a citizen of the State one dollar, which, if left untouched, will in 1866, amount to over \$4,000,000. After that its annual interest will be equal to one-half our present school tax. I hope, therefore, that this fund may remain where it was originally placed. The term of service of the Sinking Fund Commissioners having expired on the 1st of January, 1859, I recommend that you establish by law, a Board, conferring upon them full power to settle with the late Commissioners, and receive from them the funds and securities in their possession.

At your last session a bill was passed continuing the late board until the first Monday of April, 1859. I withheld my approval of that bill for the reasons presented in my message. I entertain no doubt that the fund would be entirely safe in the hands of the late commissioners, and that they would manage it with integrity and ability.

The constitution gave the Legislature the power of establishing two systems of banking in this State. The first Legislature which assembled after the adoption of that constitution, passed a general banking law, under which ninety-one banks were organized. Before the meeting of the Legislature in 1855, experience showed that the law which authorized their establishment was insufficient.

Forty-one of them had failed to redeem their circulation. The friends of the general banking system seeing the deficiency in the law, urged the passage of the act of March 3, 1855. Since the passage of that law there has been but one bank, organized under it, that has failed to redeem its circulation. At the same session of the Legislature, an act was passed establishing the Bank of the State of Indiana. The full amount of stock required by law was subscribed, and the bank commenced its business. Its circulation is now \$4,502,346. Its notes and bills discounted, \$5,154,549 07. Its cash on hand in gold and silver, \$1,685,894 93. From the time that these laws were passed, the currency authorized by the State has been promptly redeemed, although in the intermediate time, the financial



crisis of 1857 has been passed. When you consider that between the passage of these laws and the present time, the State Bank has withdrawn four millions of dollars of her circulation and called in six millions of dollars of indebtedness, in which the State was deeply interested, and without which laws the State Bank would have been unable in so short a period of time to collect the debts due to her,—one half of which belonged in reality to the State, you must regard the legislation of that session as highly beneficial to the financial interests of the people as any could have been which provided for the establishment of banks and the circulation of a paper currency. The Bank of the State has quietly acquired the position occupied by the old State Bank. Those who formerly directed the one now control the other.

If the rule could be uniform throughout the United States it would perhaps be better that no paper currency was circulated. But, inasmuch as that uniformity is practically impossible, I think Indiana has established as safe systems of banking as any other State in the Union, giving to her people as high security for the redemption of the notes of the banks as any other State.

The last Legislature levied no taxes for the years 1857 and 1858. The officers of State were therefore deprived of the ordinary revenue which should have been provided to sustain the various departments and institutions of the State. Believing that there was no reasonable prospect that the members of that Legislature, if reassembled, would change their policy or action, I did not call them together, choosing rather to wait until the people had elected other representatives. Notwithstanding the failure of the Legislature to levy the taxes, the officers of State have endeavored to carry on the government, and in so doing they present to you, as the result of their action, that they have only been required to borrow \$330,000—\$165,000 in June, and \$165,000 in December, 1858—which has been applied to the payment of the interest upon the public debt. They have paid from the General Fund to the Swamp Land Fund \$83,000. They have drawn from other funds about \$200,000.

If the revenue for those years had been collected, upon an assessment equal to that of 1856, it would have amounted, in the two years, to \$1,200,000, which would have left in the Treasury now \$800,000 of a surplus. Still, with all this failure to raise the revenue, there is yet in the Treasury sufficient means to sustain the government until the 1st of next March; and if authority is given to negotiate a temporary loan for \$250,000, the revenue which will be derived from the taxes of 1859 and 1860, levied at your last session, will pay every debt created and sustain the government until the end of the year 1861.

The taxes of the State must necessarily be collected by the county officers. Hitherto they have had no direction by law, as to the kind of money they should receive; the result of which has been that the Treasurer of State, in times of financial difficulty, has been compelled to exercise his discretion in receiving from the Treasurers

the money they had collected. Between the time of the receipt of such money by the county treasurers and paying of the same to the State, much of it has depreciated in value. While the county treasurers acted in good faith, receiving for the State's taxes the ordinary currency of the country, it would have been wrong for the State to decline accepting the same from them, and it would have been equally wrong to hold the Treasurer of State responsible for any depreciation in such currency while in his possession. But in the receiving, holding and paying out of the money thus collected the State has sustained many losses.

*Safety of Treas-  
ury* The State has never yet provided a safe depository for her money. While the Treasurer has been required to give a bond for the faithful return of all by him collected, he has been compelled to exercise his judgment in selecting the place where it should be deposited. The result of the exercise of this judgment has sometimes been unfortunate. Is it not therefore better that the Legislature should determine by law the kind of money which shall be received by the various county treasurers for State taxes, and provide a suitable place of deposit in which the Treasurer of State shall retain it, until the laws require its disbursement. In determining the kind of money to be received, is not the highest safety of the State secured in requiring it in the constitutional currency of the government? If you provide that the taxes may be paid in the notes of banks, you simply loan to those institutions the taxes you have collected. You also confer upon the Treasurer the power to discriminate between the various banks what bills he will first disburse.

The effect of conferring upon the Treasurer this power to discriminate as to what money he will pay out endangers the public funds. I therefore earnestly recommend that a law be passed providing that the taxes of the State shall be collected in legal currency; that a safe building be erected, in which such money shall be placed; that the Treasurer of State receive a proper compensation for guarding and preserving the same, and he be required to pay, when legally demanded, the same money he has received; and that if he deposits any of it in any other place than the one established by law, or loans any of it to any individual or corporation, he shall be punished.

I am desirous of co-operating with you in the enacting of any law which will inure to the welfare of the people we represent and the interest and honor of the State of Indiana.

ASHBEL P. WILLARD.

On motion by Mr Dobbins,

The message was made the special order of the day for Monday next at 2 o'clock, P. M.

Messrs. Hunter, Branham and Turpie were appointed the special committee on Stationery.



On motion by Mr. Boyd,

*Resolved*, That there be printed four thousand copies of the Governor's message and accompanying documents, in English, and one thousand in German; one thousand of which shall be under the direction of and at the disposal of his Excellency the Governor.

On motion by Mr. Turpie,

The House adjourned until to-morrow morning, 9 o'clock.

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SATURDAY MORNING, 9 o'clock, }  
January 8, 1859. }

The House met.

The Journal was read and approved.

On motion by Mr. Lawhead,

The reading of the journal was dispensed with.

Mr. Murray offered the following resolution:

*Resolved*, That the Doorkeeper be instructed to contract with the Publishers of the "Volksblatt" and "Free Press," of this city, for three copies of their respective papers, to be enveloped and stamped for the use of the members of this House.

Mr. Ritter moved the previous question;  
Which was seconded by the House.

The question being, shall the main question be now put?

Messrs. Austin and Boyd demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Boxley, Brotherton, Cavins, Collier, Cotton, Davisson, Davis, Dougherty, Edwards, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison,

Hartley, Jefferis, Johnston, Jones, Keefer, Kempf, Lawhead, Lewis, McLain, Mellett, Murray, Martin, Nebeker of Warren, Ritter, Sherman, Shull, Stanfield, Tebbs, Thompson of Elkhart, Waterman, Wheeler. Whetzeland Mr. Speaker—41

*Those who voted in the negative were,*

Messrs. Austin, Black, Bowman, Boyd, Clark, Clayton, Dobbins, Durham, Devol, Early, Firestone, Gregory, Hancock, Hunter, Jordan, Newton, Robinson, Scott, Shields, Smith of Miami, Stanley, Sullivan, Summers, Thompson of Madison, Treadway and Wildman—26.

So the main question was ordered.

The question being, on the adoption of the resolution.

Messrs. Boyd and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Brotherton, Carr, Cavins, Collier, Cotton, Davis, Dougherty, Edwards, Fordyce, Hall of Grant, Hamilton of Wayne, Hartley, Jefferis, Jones, Jordan, Keefer, Kelly, Lawhead, McLain, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shields, Stanfield, Thompson of Elkhart, Waterman, Wheeler, Whiteman, Wood and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Austin, Black, Bowman, Boyd, Clark, Claypool, Davisson, Dobbins, Durham, Devol, Early, Eastham, Firestone, Gifford, Gregory, Hamilton of Boone, Hancock, Harney, Harrison, Hunter, Johnston, Kempf, Lewis, Massey, Mellett, Merrifield, Newton, Shockley, Smith of Miami, Stanley, Sullivan, Tebbs, Thompson of Madison, Treadway, Whetzel and Wildman—37.

So the resolution was agreed to.

Mr. Austin offered the following resolution :

*Resolved,* That the doorkeeper of the House be authorized to contract for three copies of the American and three copies of the Citizen, two copies of each to be enveloped and stamped.

Which was not agreed to.

On motion by Mr. Lawhead,

The House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, 9 o'clock, }  
January 10, 1859. }

The House met.

The journal was read and approved.

Mr. Jennings, Doorkeeper of the House, made the following report:

MR. SPEAKER:

☞ In obedience to the resolution instructing the Doorkeeper to contract with the publishers of the Journal and Sentinel, I have consulted with them on the subject, and they inform me they will not furnish them at any less rate than the bills which they presented at the last session, that is, fifteen dollars per day. I would, therefore, ask further instructions from the House.

On motion by Mr. Davis,

The vote taken on the adoption of the following resolution was reconsidered:

*Resolved*, That the Doorkeeper contract for three copies each of Daily Sentinel and Journal, two copies to be stamped and enveloped, and placed upon the desks of each member of this House.

The question being on the adoption of the resolution.

Mr. Murray moved to amend as follows:

*Provided*, That papers be furnished at the same rates as at the special session.

Which was not agreed to.

Mr. Dobbins offered the following amendment, viz:

That the Doorkeeper contract at the usual legislative price for three copies each of the Daily Sentinel and Daily Journal, two copies of each paper to be stamped and enveloped, for the use of the members;

Which was not agreed to.

The question being on the original resolution,  
It was not agreed to.

H. J.—3.



## PETITIONS, MEMORIALS AND REMONSTRANCES.

The Speaker laid before the House a petition from the ladies of Martinsville, Morgan county, on the subject of temperance.

On motion,  
Referred to the committee on temperance.

The Speaker laid before the House a petition from sundry citizens of Pulaski county, on the subject of draining swamp lands.

On motion,  
Referred to the committee on swamp lands.

By Mr. Scott,

A petition from sundry citizens of Laporte county, on the subject of fishing.

On motion,  
Referred to the committee on rights and privileges of the inhabitants of the State.

By Mr. Wildman,

A petition from sundry citizens of Lagrange county, on the subject of temperance.

On motion,  
Referred to the committee on temperance.

Mr. Nebeker of Warren, moved that when the House adjourn it adjourn until half past one o'clock P. M.,  
Which was agreed to.

## BILLS INTRODUCED.

Mr. Davis obtained leave and introduced

House bill No. 1. A bill to provide for taking the sense of the qualified voters of the State on calling a convention to alter, amend or revise the Constitution of the State.

Which was read a first time and passed to a second reading.

Mr. Stanfield obtained leave and introduced

House bill No. 2. A bill relative to the salaries of public officers, and providing for the payment of the same, and to repeal so much of an act entitled "an act relative to the salaries of public

officers, and providing for the manner of paying the same, approved June 18, 1852," as is inconsistent with this bill.

Which was read a first time and passed to a second reading.

Mr. Stanfield obtained leave and introduced

House bill No. 3. A bill to amend section 302 of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize colored plaintiffs and colored defendants to testify in certain cases, and also to allow defendants to certify in certain actions brought by assignees when the assignor testifies.

Which was read a first time and passed to a second reading.

Mr. Durham obtained leave and introduced

Joint resolution No. 1. A joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to secure the passage of a law giving pensions to the soldiers of the war of 1812.

Which was read a first time and passed to a second reading.

Mr. Prosser obtained leave and introduced

House bill No. 4. A bill to exempt property from sale on execution in certain cases therein named, providing who may claim, and the manner of appraisement of property claimed, as exempt under the provisions thereof, and repealing an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a first time and passed to a second reading.

Mr. Stanfield obtained leave and introduced

House bill No. 5. A bill incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporate name of the township, town or city in which the same is situate, authorizing public school-houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city and the trustees of an incorporated town to levy all taxes for schools, and the building and repair of school-houses, and to repeal all laws inconsistent with this act.

Which was read a first time and passed to a second reading.

Mr. Nebeker of Warren, obtained leave and introduced

House bill No. 6. A bill to amend the second section of an act approved March 7, 1857, entitled "an act to authorize the formation of new counties and to change county boundaries,"

Which was read a first time and passed to a second reading.

Mr. Shull obtained leave and introduced

House bill No. 7. A bill supplemental to an act entitled "an act concerning interest on money," approved May 27, 1852, and providing for a conventional rate of interest.

Which was read a first time and passed to a second reading.

Mr. Ritter obtained leave and introduced

House bill No. 8. A bill to preserve buildings, and to punish persons for unlawfully occupying the same.

Which was read a first time and passed to a second reading.

Mr. Jones obtained leave and introduced

House bill No. 9. A bill to establish the independent treasury of the State of Indiana, to provide for the safe keeping and disbursement of the public money of the State, and of the several counties thereof; creating the office of comptroller of the treasury, and prescribing the manner of his election, defining his duties and fixing his compensation, defining the duties of the Treasurer of State, Auditor of State and other State officers, and the duties of county auditors, and treasuries and other county officers, for the examination of the State and county treasurers, and providing for the punishment of the crime of embezzlement of public moneys, and fixing other penalties for violations of the provisions of this act.

Which was read a first time and passed to a second reading.

On motion by Mr. Newton,  
The House adjourned until 1½ o'clock P. M.

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1½ o'clock, P. M.

The House met.

The Speaker announced the following standing committees and rules of order, namely:



*On Elections.*

Messrs. Murray, Hamilton of Boone, Harrison, Power, Dobbins, Merrifield and Jordan.

*On the Judiciary.*

Messrs. Colgrove, Baird, Stanfield, Davis, Blythe, Mellett and Turpie.

*On Ways and Means.*

Messrs. Branham, Hunter, Smith of Perry, Shields, Major, Harney and Wildman.

*On Banks.*

Messrs. Mellett, Bowman, Scott, McLain, Robinson, Smith of Miami and Firestone.

*On Education.*

Messrs. Mansfield, Boyd, Stiles, Hamilton of Wayne, Dougherty, Major and Robinson.

*On the Organization of Courts of Justice.*

Messrs. Stanfield, Baird, Stiles, Merrifield, Davis, Dobbins and Brotherton.

*On the Affairs of State Prison.*

Messrs. Hunter, Carr, Murray, Shields, Comstock, Prosser and Fordyce.

*On Swamp Lands.*

Messrs. Hamilton of Boone, Jeffries, Comstock, Colgrove, Martin, Cavins and Harney.

*On Claims.*

Messrs. Wildman, Martin, Cavins, Boxley, Collier, and Hartley.

*On Trust Funds.*

Messrs. Jefferis, Rynerson, Martin, Stanley, Kempf, Whetzel and Gifford.

*On Military Affairs.*

Messrs. Power, Prosser, Miller, Hall of Grant, Claypool, Eastham and Thompson of Elkhart.

*On Fees and Salaries.*

Messrs. Scott, Robinson, Stiles, Turpie, Dougherty, Griffin and Dobbins.

*On Sinking Fund.*

Messrs. Robinson, Branham, Colgrove, Black, Early, Martin and Jones.

*On Rights and Privileges of the Inhabitants of the State.*

Messrs. Parks, Brotherton, Nebeker of Warren, Griffin, Nelson, Merrifield and Massey.

*On Roads.*

Messrs. Comstock, Devol, Durham, Nebeker of Vermillion, Early, Usrey and Hall of Grant.

*On Manufactures and Commerce.*

Messrs. Smith of Perry, Gregory, Devol, Thompson of Elkhart, Waterman, Murray and Durham.

*On County and Township Business.*

Messrs. Harrison, Whetzel, Mellett, Miller, Jones, Harney and Snyder.

*On Agriculture.*

Messrs. Rynerson, Treadway, Whetzel, Wheeler, Kelly, Tebbs and Boxley.

*On Benevolent Institutions.*

Messrs. Edwards, Boyd, Branham, Hunter, Rynerson, Smith of Perry and Collier.

*On Temperance.*

Messrs. Austin, Nebeker of Warren, Shockley, Thompson of Madison, Davisson, Johnston and Lawhead.

*On Affairs of the Town of Indianapolis.*

Messrs. Cotton, Hall of Rush, Johnson, Clark, Summers, Keefer and Clayton.

*On Mileage.*

Messrs. Nebeker of Warren, Hall of Grant, Wildman, Cavins, Sullivan, Carr and Shockley.

*On Enrolled Bills.*

Messrs. Brotherton, Gregory, Shull, Griffin, Newton, Cotton and Usrey.

*On Engrossed Bills.*

Messrs. Griffin, Hall of Rush, Nelson, Gifford, Nebeker of Warren, Claypool and Parks.

*On Canals.*

Messrs. Miller, Comstock, Stinson, Fordyce, Devol, Newton and Knowlton.

*On Public Expenditures.*

Messrs. Ritter, Fordyce, Devol, Hall of Rush, Gifford, Lewis and Newton.

*On Corporations.*

Messrs. Stil s, Cavins, Martin, Brotherton, Stinson, Hartley and Lawhead.

## JOINT STANDING COMMITTEES.

*On Public Buildings.*

Messrs. Devol, Austin and Lawhead.

*On the State Library.*

Messrs. Cavins, Smith of Perry and Boyd.

*On Canal Funds.*

Messrs. Sherman, Comstock and Stinson.



## ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, memorials and remonstrances.
- III. Reports from standing committees.
  - 1 On Elections.
  - 2 On Judiciary.
  - 3 On Ways and Means.
  - 4 On Banks.
  - 5 On Education.
  - 6 On the Organization of Courts of Justice.
  - 7 On the Affairs of the State Prison.
  - 8 On Swamp Lands.
  - 9 On Claims.
  - 10 On Trust Funds.
  - 11 On Military Affairs.
  - 12 On Fees and Salaries.
  - 13 On the Sinking Fund.
  - 14 On the Rights and Privileges of the Inhabitants of this State.
  - 15 On Roads.
  - 16 On Manufactures and Commerce.
  - 17 On County and Township Business.
  - 18 On Agriculture.
  - 19 On Benevolent Institutions.
  - 20 On Temperance.
  - 21 On the Affairs of the town of Indianapolis.
  - 22 On Mileage.
  - 23 On Enrolled Bills.
  - 24 On Engrossed Bills.
  - 25 On Canals.
  - 26 On Public Expenditures.
  - 27 On Corporations.
- IV. Reports from Joint Standing Committees.
  - 1 On Public Buildings.
  - 2 On State Library.
  - 3 On Canal Fund.
- V. Reports from Select Committees.
- VI. Resolutions of the House.
- VII. Joint Resolutions.
- VIII. Introduction of Bills.
- IX. Orders of the day.

Mr. Smith of Perry, obtained leave and introduced

House bill No. 10. A bill establishing a board of sinking fund commissioners, providing for the election and appointment of the officers thereof, and prescribing the powers and duties of said board.

Which was read a first time.

Mr. Smith of Perry, moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Brotherton, Carr, Cavins, Clark Clayton, Clements, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, Major, Mansfield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Rynerson, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wood and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Early, Eastham, Knowlton, McLain and Wheeler—5.

So the rule was suspended and the bill read a second time by its title.

Mr. Dougherty moved to refer the bill to the committee of ways and means,

Which was agreed to.

Mr. Miller obtained leave and offered the following resolution, viz:

*Resolved,* That three hundred copies of the standing committees of the House are hereby ordered to be printed for the use of this House.

Mr. Gifford moved to amend by striking out "three hundred" and inserting "two hundred,"

Which was agreed to.

Mr. Thompson of Madison, moved to amend by striking out "two hundred" and inserting "one hundred,"  
Which was not agreed to.

The resolution as amended was then adopted.

Mr. Dougherty obtained leave and offered the following resolution:

*Resolved*, That the committee on stationery be instructed to report to this House, at their earliest convenience, the amount and several kinds of stationery placed in the stationery-room at the late special session for the use of this House, what amount remained on hand at the close of the session, and the specific amount of each kind obtained therefrom by each member, and that a like report be made by said committee at the close of this session,

Which was agreed to.

The Assistant Clerk of the House made the following report:

MR. SPEAKER:

In obedience to a resolution passed by the House on the last day of the special session, I have contracted with Messrs. Bingham & Doughty for the binding of one hundred copies of the Legislative Sentinel, in a style similar to that in which the local laws are bound, for twelve and one-half cents per copy.

Mr. Cavins obtained leave and introduced

House bill No. 11. A bill to amend the 21st section of an act entitled "an act providing for the organization of county courts, and prescribing some of their powers and duties," approved June 17th, 1852.

Which was read a first time and passed to a second reading.

Mr. Martin obtained leave and introduced

House bill No. 12. A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency.

Which was read a first time and passed to a second reading.

Mr. Gregory obtained leave and introduced

House bill No. 13. A bill to amend the second section of article second of the Constitution of the State of Indiana, so as to confine the qualifications of an elector to every white male citizen



of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election, and to vote in the township or precinct wherein he may reside.

Which was read a first time and passed to a second reading.

The hour having arrived, the House resolved itself into committee of the whole, with the Governor's message under consideration.

Mr. Edwards in the chair.

After being in session some time the committee rose and made the following report through their chairman :

MR. SPEAKER :

The committee of the whole House, to whom was referred the message of his Excellency, the Governor, have considered the same, adopted the accompanying resolutions in relation thereto, in which the concurrence of the House is asked, and that the committee be discharged.

*Resolved*, That that part of his Excellency, the Governor's message which relates to the failure of the General Assembly at the session thereof, in the year 1857, to make appropriations for the benevolent institutions, and to the failure of the Treasurer of State to advance the necessary means to carry them on, by reason whereof they were respectively closed, and to the subsequent willingness of that officer to act, and the unanimous resolution of the officers of State advising him to pay the money of the State in his possession to sustain those institutions, and his subsequent action in pursuance of said resolution, be referred to a select committee of five with instructions to inquire,

*First.* Whether the Treasurer of State violated his duty in refusing to pay out the moneys of the State in the treasury for the support of the said institutions, or

*Second.* Whether the resolution of the officers of State transcended their constitutional and legal authority by their unanimous resolution, advising him to pay the money of the State in his possession to sustain those institutions.

*Third.* What authority existed under the Constitution and laws of the State for such resolution, and the action of the treasurer thereunder, and, if none, then,

*Fourth.* What was the only constitutional means of providing for sustaining said institutions, and what officer or officers of the State had exclusive control thereof, and how did he or they employ the same ?

*Resolved*, That that portion of the Governor's message which relates to the failure of the Legislature of 1857 to levy taxes for the years 1857 and 1858, the consequent failure of the ordinary revenue which should have been provided to sustain the various departments of government and institutions of the State, and the fact that the Governor and officers of State were required to borrow \$330,000—\$165,000 in June and \$165,000 in December, 1858—and its application to the payment of the interest upon the public debt, be referred to the committee of ways and means with instructions to inquire

*First*. Where, and of whom, and on what securities, and at what rate or rates of interest, and on what time the \$165,000 borrowed in June was borrowed.

*Second*. What authority of law existed empowering the officers of State to make such loan.

*Third*. Where, of whom, on what securities direct or collateral, at what rate or rates of interest and on what time the \$165,000 borrowed in December, 1858, was obtained by the Governor and officers of State.

*Fourth*. Under what authority said last named \$165,000 was borrowed, and whether the same was borrowed in pursuance of or in violation of the direction of the General Assembly, and in violation of such direction, then,

*Fifth*. Could the money have been obtained in pursuance of such legislative direction?

And that said committee are hereby authorized and empowered to send for persons and papers for the purpose of enabling them fully to prosecute and complete said inquiry, and that they report the result thereof to the House at an early day of the present session thereof.

*Resolved*, That so much of the Governor's message as refers to election frauds, be referred to the committee on elections.

*Resolved*, That so much of the Governor's message as refers to the sinking fund be referred to the committee on the sinking fund.

*Resolved*, That so much of the Governor's message as relates to the repeal of the law to organize companies for the apprehension of horse thieves and other felons, be referred to the committee on the judiciary.

*Resolved*, That that portion of the Governor's message relating to the Wabash and Erie Canal, be referred to the committee on canals and internal improvements.



*Resolved*, That so much of the Governor's message as refers to the preservation of public documents and the erection of public buildings therefor, be referred to the committee of ways and means.

*Resolved*, That so much of the Governor's message as refers to temperance, be referred to the committee on temperance.

*Resolved*, That so much of the Governor's message as relates to the State prison, be referred to the committee on the affairs of the State prison.

*Resolved*, That so much of the Governor's message as relates to temperance, not noticed in said message, be referred to the committee on temperance.

*Resolved*, That so much of the Governor's message as refers to an increase of salaries, be referred to the committee on fees and salaries.

*Resolved*, That that part of the Governor's message which relates to the surrender of fugitives from justice, be referred to a select committee of one from each congressional district.

*Resolved*, That that portion of the Governor's message relating to an independant State treasury, be referred to a select committee of five, of which Mr. Jones of Spencer, be chairman.

*Resolved*, That that part of the Governor's message that relates to the increase of the Governor's salary and that of the judges of courts, be referred to the committee on fees and salaries.

*Resolved*, That the Chair appoint a committee of seven, who shall be denominated the committee on agriculture, science, manufactures and the mechanic arts, to whom shall be referred so much of the Governor's message as relates to those subjects, and especially so much as relates to establishing a bureau of agriculture, a professorship of agricultural science in the State University, and a geological survey of the State.

On motion,

The report was concurred in as a whole and the resolution adopted.

Mr. Murray obtained leave and offered the following resolution :

*Resolved*, That the State Printer be requested to furnish this House with a statement showing the number of bills printed by the order of this House and the aggregate amount charged for the same during the late special session thereof, and also the number



of bills printed by order of the Senate during the same period and the aggregate amount charged therefor ;

Which was agreed to.

Mr. Kempf obtained leave and offered the following resolution :

*Resolved*, That the committee on the judiciary inquire into the constitutionality of section 6 of an act entitled "an act regulating the fees of officers," page 291, when compared with section 21, article 1 of the Constitution of the State of Indiana, page 44, and report by bill or otherwise.

Which was agreed to.

Mr. Robinson obtained leave and offered the following resolution :

*Resolved*, That the House proceed to select seats instanter by lot.

Mr. Edwards moved to lay the resolution on the table ;  
Which was agreed to.

Mr. Ritter obtained leave and offered the following resolution :

*Resolved*, That the committee on the organization of courts of justice be directed to inquire into the expedience of abolishing the office of attorney general and report to this House.

Which was agreed to.

Mr. Summers obtained leave and offered the following resolution :

*Resolved*, That the duties usually imposed upon and performed by a Sergeant-at-Arms, be performed by the Doorkeeper of this House without additional pay.

Which was agreed to.

Mr. Martin obtained leave and introduced

House bill No. 14. A bill amending section 14 of an act providing for the election of justices of the peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852,

Which was read a first time and passed to a second reading.

Mr. Waterman obtained leave and introduced

Joint resolution No. 2. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act granting lands for agricultural colleges.

Which was read a first time and passed to a second reading.

Mr. Gregory obtained leave and offered the following resolution :

*Resolved*, That the Doorkeeper of the House be instructed to ascertain whether the State Printer has completed the publication of the special committee report on State printing, and if so, that the same be immediately laid on the desks of the members.

Which was agreed to.

Mr. Ritter obtained leave and introduced

House bill No. 15. A bill to amend the first and sixth sections of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a first time and passed to a second reading.

Mr. Shull obtained leave and offered the following resolution :

*Resolved*, That a committee of three be appointed to subscribe for three copies of the following papers of the city, to-wit:—the Daily State Sentinel, Daily State Journal and Weekly Indiana American, two copies of each respectively to be enveloped and stamped, and that the Doorkeeper procure the same to be laid upon the desks of each member of this House.

Mr. Hunter moved to refer the resolution to a committee of three with the following instructions :

To inquire into the cost of employing a reporter and having the proceedings of each day published, as also the bills introduced, and twelve copies thereof furnished daily to each member ;

Which was agreed to.

Messrs. Hunter, Shull and Martin were appointed said committee.

Mr. Murray obtained leave and offered the following resolution :

*Resolved*, That so much of the Constitution of the State of Indiana which says, "No person elected to any judicial office shall, during the term for which he shall have been elected, be eligible

to any office of trust or profit under the State, other than a judicial office," be referred to the committee on the judiciary with instructions to inquire whether said clause precludes justices of the peace from holding any office other than a judicial one during the time for which he may be elected, in the township where he may reside, in the county or in the State, and if there be exceptions, what are they? and report their decision to this House.

Which was agreed to.

Mr. Harrison obtained leave and offered the following resolution:

*Resolved*, That the Doorkeeper be authorized to contract for, to be laid on the table of each member, one copy each, of the Daily Sentinel and Journal, and six copies each of the Weekly Sentinel, Journal and American, the Weeklies to be enveloped and stamped.

Mr. Hamilton of Boone, moved to refer the resolution to the select committee appointed under Mr. Hunter's motion.

Which was agreed to.

Mr. Prosser moved to reconsider the vote on the adoption of the following resolution on Saturday last:

*Resolved*, That the Doorkeeper be instructed to contract with the publishers of the Volksblatt and Free Press, of this city, for three copies of their respective papers, to be enveloped and stamped, for the use of this House.

Messrs. Baird and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Durham, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jordan, Kelly, Kempf, Lewis, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Robinson, Row, Scott, Shockley, Shull, Smith of Miami, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Usrey, Waterman, Whetzel and Wood—52.

*Those who voted in the negative were,*

Messrs. Baird, Boxley, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Dougherty, Edwards, Griffin, Hall of Grant, Harrison, Jefferis, Johnston, Jones, Knowlton, McLain, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of



Vermillion, Nebeker of Warren, Parks, Power, Ritter, Rynerson, Sherman, Shields, Smith of Perry, Thompson of Elkhart, Turpie, Wheeler, Whiteman, Wildman and Mr. Speaker—40.

So the resolution was reconsidered.

Mr. Dougherty moved to amend as follows:

*Provided*, The publishers of said papers agree to publish a liberal abstract of legislative proceedings.

Mr. Boyd moved to refer the resolution and pending amendment to the select committee appointed under Mr. Hunter's motion, Which was agreed to.

Mr. Hunter obtained leave and introduced

Joint resolution No. 3. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of such laws as will result in the location of an armory at the falls of the Ohio river on the Indiana side.

Which was read a first time, and passed to a second reading.

Mr. Edwards moved to refer the credentials of the several members of the House to the committee on elections;

Which was agreed to.

Mr. Harney obtained leave and introduced

House bill No. 16. A bill to amend the 32d section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved March 7, 1857.

Which was read a first time and passed to a second reading.

On motion by Mr. Prosser,

The House adjourned until to-morrow morning, 9 o'clock.

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TUESDAY MORNING, 9 o'clock, }  
January 11, 1859. }

The House met.

The journal was read and approved.

H. J.—4.

Mr. Keefer asked to be excused from serving on the committee on affairs of the town of Indianapolis,  
Which was granted.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Stanfield,

A petition from James Davis, of St. Joseph county, in reference to a certain claim therein named.

On motion,  
The petition was referred to the committee on claims.

By Mr. Stanfield,

A petition from Reuben L. Farnsworth, of St. Joseph county, in reference to a certain claim therein named.

On motion,  
The petition was referred to the committee on claims.

#### RESOLUTIONS.

On motion by Mr. Turpie,

*Resolved*, That the committee on roads be required to inquire into the expediency of so amending the road law as to have the two days labor by law required, to be expended on or before the first day of August instead of the first day of June, as is now provided.

On motion by Mr. Lawhead,

*Resolved*, That the committee on corporations be instructed to inquire into the law providing for the incorporation of bridges and plank road companies, so that they cannot collect tolls unless they are kept in good repair, and that they report by bill or otherwise.

Mr. Carr offered the following resolution:

*Resolved*, That the committee on benevolent institutions be instructed to inquire into the expediency of erecting another insane asylum in the county of Clark, at or near the city of Jeffersonville, instead of enlarging the present asylum in Marion county, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Brotherton,

*Resolved*, That the committee on county and township business be requested to inquire into the expediency of abolishing the office of township assessor and substituting therefor that of county assessor, and report by bill or otherwise.

On motion by Mr. Black,

*Resolved*, That the committee on the judiciary be instructed to inquire into the constitutionality of the forms and precedents found in the Statutes of 1852, both civil and criminal, and report the result of their investigations to this House, reference being had to seventh Indiana Reports, page 516.

Mr. Firestone offered the following resolution :

*Resolved*, That the Doorkeeper be instructed to subscribe for and procure to be laid upon the desk of each member of this House during the present session three copies of the following newspapers, to-wit:—The Daily State Sentinel, the Daily State Journal, the Weekly Volksblatt and the Indiana American, two of which copies respectively, shall be enveloped and stamped.

Mr. Murray moved to amend by including the "Free Press," Which was agreed to.

Mr. Hamilton of Boone, moved to amend as follows :

That the Doorkeeper be authorized to contract with the editors of the Hendricks County Ledger, Boone County Pioneer and Expositor, of Boone county, for three copies of each of the said papers for each of the members of this House, to be remitted to them by mail. *Provided*, the said papers publish a liberal abstract of legislative proceedings.

Mr. Murray moved the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put ?  
It was so ordered.

The question being on the amendment offered by Mr. Hamilton of Boone,  
It was not agreed to.

The question then recurring on the adoption of the original resolution,

Messrs. Hamilton of Boone and Sullivan demanded the ayes and noes.



*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Early, Eastham, Edwards, Firestone, Gifford, Griffin, Hall of Grant, Hancock, Hartley, Jefferis, Jones, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Power, Ritter, Row, Sherman, Smith of Miami, Stanfield, Stinson, Sullivan, Thompson of Elkhart, Turpie, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Boyd, Clayton, Clements, Dougherty, Durham, Devol, Fordyce, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Johnston, Jordan, Knowlton, Major, Mellett, Newton, Parks, Prosser, Robinson, Rynerson, Scott, Shields, Shockley, Skull, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Madison, Treadway and Waterman—36.

So the resolution was agreed to.

On motion by Mr. Parks,

*Resolved,* That the committee on roads be instructed to inquire into the expediency of so amending the road law as to require the supervisors of roads to expend all moneys for the improvements of roads, in the road district where the same are collected.

On motion by Mr. Sullivan,

*Resolved,* That the Doorkeeper be requested to report the number of his assistants and their names immediately.

On motion by Mr. Waterman,

*Resolved,* That the committee on county and township business be instructed to report a bill so amending the road law as to require the road work to be done by the first day of August of each year.

Mr. Hamilton of Boone, offered the following resolution :

*Resolved,* That the Doorkeeper be instructed, that in contracting for the different papers, specified in resolutions of this House, to contract for prices not exceeding the rates furnished to subscribers.

Mr. Murray moved to lay the resolution on the table,  
Which was agreed to.

On motion by Mr. Kempf,

*Resolved*, That the Doorkeeper be instructed to ascertain the boarding-houses of the various members of this House, in order to facilitate business, should it become necessary to send for absentees.

On motion by Mr. Wildman,

*Resolved*, That inasmuch as there is a sufficient number of copies of Jefferson's Manuel in the State Library, therefore be it

*Resolved*, That a copy of the same be procured by the Doorkeeper from the library and placed on the desk of each member to be returned at the close of the session.

The Speaker laid before the House a memorial from the State Teachers Association on the subject of education.

Mr. Blythe moved that the memorial be laid on the table and five hundred copies printed for the use of the House;  
Which was agreed to.

On motion by Mr. Colgrove,

*Resolved*, That three members be added to the judiciary committee.

On motion by Mr. Hamilton of Wayne,

*Resolved*, That the Doorkeeper be requested to distribute at the desks of the members of this House, the Legislative Sentinel.

Mr. Newton offered the following resolution :

*Resolved*, That the Doorkeeper be instructed, and is hereby authorized to contract with the publishers of the Daily Citizen and Weekly Locomotive, for three copies of their respective papers, for each member of this House during the session, and have the same laid on the desks of members, two copies of each to be enveloped and stamped.

Which was not agreed to.

Mr. Summers offered the following resolution :

*Resolved*, That it is the opinion of this House that the mode of

doing township business should be so changed that we shall have but one trustee instead of three, and disposing with the use of the clerk and treasurer.

Mr. Murray moved to refer the resolution to the committee on county and township business, with instructions to inquire into its expediency, and report by bill or otherwise;

On motion by Mr. Kelly,

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency of levying a tax on dogs, and report by bill or otherwise.

Which was agreed to.

On motion by Mr. Smith of Perry,

*Resolved*, That the committee of ways and means be authorized to employ three persons, one of whom shall be conversant with the laws of the State and the decisions of its courts, one shall be familiar with the general operations in collecting and distributing the public revenue, and one shall be an expert and capable accountant, for the purpose of making a thorough examination of the books, vouchers, papers and documents in the public offices and benevolent institutions at the seat of Government, and, if possible, of introducing more simplicity, system and accuracy in keeping the public accounts and of reporting the same to the Legislature. And, if such persons are thus employed, the officers in these institutions and offices, are directed to give such aid by the exhibition of all papers and communications of all facts in their possession as will facilitate the results contemplated by this resolution.

On motion by Mr. Firestone,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the payments of costs in State cases, in such cases as said committee may deem proper, and that said committee report by bill or otherwise.

#### BILLS INTRODUCED.

By Mr. Hamilton of Boone,

House bill No. 17. A bill to prevent the illegal removal of deceased persons, or any part thereof, from public or private burying grounds, and prescribing penalties therefor.

Which was read a first time.

Mr. Firestone moved to reject the said bill;

Which was not agreed to.

The bill passed to a second reading.



By Mr. Turpie,

House bill No. 18. A bill to repeal an act entitled "an act to provide for the protection of the wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of the same," approved February 26, 1857.

Which was read a first time and passed to a second reading.

By Mr. Mellett,

House bill No. 19. A bill prohibiting any officer or officers, clerk, deputy, employee or agent of any officer or officers, having in charge or under their control, in any manner, any of the public funds of this State, or any county or township of this State, from making any false record or fraudulent entry concerning the same knowingly, or from embezzling any part thereof, and declaring the same a felony, and providing a penalty therefor.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Boone,

House bill No. 20. A bill to prevent carrying concealed and dangerous weapons, and to provide punishment therefor.

Which was read a first time and passed to a second reading.

By Mr. Scott,

House bill No. 21. A bill providing for voluntary assignment of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same.

Which was read a first time and passed to a second reading.

By Mr. Nebeker of Warren,

House bill No. 22. A bill to amend the first, second and third sections of an act approved May 27, 1852, entitled "an act concerning interest on money,"

Which was read a first time and passed to a second reading.

By Mr. Early,

House bill No. 23. A bill to legalize the commission of justice of the peace issued to L. B. Osborn, Esq., of Jackson county, and also to legalize his acts under it.

Which was read a first time and passed to a second reading.

By Mr. Robinson,

House bill No. 24. A bill to regulate the sale of intoxicating liquors, and prescribing penalties for the violation of the same.

Which was read a first time and passed to a second reading.

By Mr. Griffin,

House bill No. 24. A bill to amend the tenth section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time and passed to a second reading.

By Mr. Treadway,

House bill No. 26. A bill to protect witnesses from insult while on examination before a court or jury.

Which was read a first time and passed to a second reading.

By M. Jefferis,

House bill No. 27. A bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the powers of such consolidated company.

Which was read a first time and passed to a second reading.

By Mr. Blythe,

House bill No. 28. A bill providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the Revised Statutes of 1852, and for the publication and recording of depositions heretofore taken or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence.

Which was read a first time and passed to a second reading.

By Mr. Mansfield,

House bill No. 29. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act.

Which was read a first time and passed to a second reading.

By Mr. Power,

House bill No. 30. A bill to repeal an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein and compensation of judges thereof," approved June 11, 1852.

Which was read a first time and passed to a second reading.

By M. Scott,

House bill No. 31. A bill to amend the 238th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By Mr. Griffin,

House bill No. 32. A bill for the redemption of real estate sold on execution or order of sale issued out of any court, and defining the duty of the officer or person selling the same.

Which was read a first time and passed to a second reading.

By Mr. Nelson,

House bill No. 33. A bill to amend section 63 of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time and passed to a second reading.

By Mr. Blythe,

House bill No. 34. A bill prescribing the manner of empanneling petit jurors, and fixing the number and compensation thereof.

Which was read a first time and passed to a second reading.

By Mr. Durham,

House bill No. 3. A bill to regulate the sale of spirituous liquors.

Which was read a first time and passed to a second reading.

By Mr. Merrifield,

House bill No. 36. A bill to amend the second section of an act entitled "an act to fix the time of holding the circuit courts in the ninth judicial district," approved March 1, 1855.

Which was read a first time and passed to a second reading.

On motion by Mr. Whetzel,  
The House adjourned until 2 o'clock, P. M.



2 O'CLOCK, P. M.

The House met.

BILLS INTRODUCED.

By Mr. Prosser,

House bill No. 37. A bill to amend section 33 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," so as to provide that no suit against the maker of a written contract, assigned with or without written endorsement, shall be commenced without the county of the maker's residence.

Which was read a first time and passed to a second reading.

By Mr. Turpie,

House bill No. 38. A bill to fix the times of holding and the length of the sessions of the board of township trustees in the several counties of this State, and to repeal section No. 11 of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Which was read a first time and passed to a second reading.

By Mr. Brotherton,

House bill No. 39. A bill to amend the 37th section of chapter six, 2d vol. Revised Statutes of 1852, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time and passed to a second reading.

By Mr. Murray,

House bill No. 40. A bill requiring the Auditor of State to pay over money or stocks to the proprietors or stockholders of free banks.

Which was read a first time and passed to a second reading.

By Mr. Shull,

House bill No. 41. A bill to amend section 9 of an act entitled

“an act providing for the election of clerks of the circuit court, and prescribing some of their duties.”

Which was read a first time and passed to a second reading.

By Mr. Dobbins,

House bill No. 42. A bill to amend the 21st section of an act entitled “an act defining misdemeanors, and prescribing punishment thereof,” approved June 14, 1852.

Which was read a first time and passed to a second reading.

By Mr. Austin,

House bill No. 43. A bill to suppress tippling houses, to punish drunkenness and to regulate the sale, barter and giving away of spirituous and malt liquors, wine and cider, and to repeal all laws inconsistent therewith.

Which was read a first time and passed to a second reading.

By Mr. Kempf,

House bill No. 44. A bill to amend section 2 of article 2 of the Constitution of the State of Indiana.

Which was read a first time and passed to a second reading.

By Mr. Fordyce,

House bill No. 45. A bill to provide for perpetuating the record of surveys of lands in different counties of this State.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Boone,

House bill No. 46. A bill to repeal an act entitled “an act to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana,” approved February 21, 1855.

Which was read a first time and passed to a second reading.

By Mr. Colgrove,

House bill No. 47. A bill to provide for the organization of circuit courts, the election of judges thereof, defining their powers and the jurisdiction of said courts, and fixing the salaries of said judges and the number of terms of said courts, and providing for adjourned terms of said courts, and transferring the probate business of the common pleas court to the circuit court, and repealing all former laws on the subject.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Wayne,

House bill No. 48. A bill to amend the 6th section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852.

Which was read a first time and passed to a second reading.

By Mr. Robinson,

House bill No. 49. A bill to authorize the board of commissioners of the several counties through which the Michigan road runs to reduce the width of the same.

Which was read a first time and passed to a second reading.

By Mr. Treadway,

House bill No. 50. A bill to amend the 31st section of "an act providing for the election of or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18, 1852, which reads as follows: Section 31, all money in the treasury of any county belonging to a road district thereof, shall be paid over to the treasurer of the township in which such district is situate.

Which was read a first time and passed to a second reading.

Mr. Dobbins asked and obtained leave to present a petition from sundry citizens of Martin county on the subject of temperance.

On motion by Mr. Dobbins,

The petition was referred to the committee on temperance.

Mr. Cavins asked and obtained leave to present a petition from sundry citizens of Jonesboro, Green county, on the subject of temperance.

On motion by Mr. Cavins,

The petition was referred to the committee on temperance.

Mr. Knowlton asked and obtained leave to present a memorial from Benjamin Powell, of Logansport, Cass county, on the subject of education.

On motion by Mr. Power,

The memorial was referred to the committee on education.

Mr. Davis asked and obtained leave to offer the following resolution:

*Resolved*, That the Auditor of State be requested to inform the House, as soon as possible, the amount that was due from his predecessor upon his retirement from the auditor's office, and what



portion of the same has been collected, also the amount received from all other sources since the commencement of the present term, the amount paid out, the balance on hand, and where the same is deposited.

Which was agreed to.

Mr. Sherman asked to be excused from serving on the committee on canal trust funds,

Which was agreed to.

#### HOUSE BILLS ON SECOND READING.

House bill No. 1. A bill to provide for taking the sense of the qualified voters of the State on calling a convention to alter, amend or revise the Constitution of the State.

Was read a second time, and

On motion,

Was referred to the committee on the judiciary.

House bill No. 2. A bill relative to the salaries of public officers, and providing the manner of paying the same, and to repeal so much of an act entitled "an act relative to the salaries of public officers, and providing for the manner of paying the same, approved June 18, 1852," as is inconsistent with this bill.

Was read a second time, and

On motion,

Referred to the committee on fees and salaries.

House bill No. 3. A bill to amend section 302 of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize co-plaintiffs and co-defendants to testify in certain cases, and also to allow defendants to certify in certain actions brought by assignees when the assignor testifies.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 4. A bill to exempt property from sale on execution in certain cases therein named, providing who may claim, and the manner of appraisement of property claimed, as exempt under the provisions thereof, and repealing an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

On motion by Mr. Merrifield,  
The House adjourned until to-morrow morning, 9 o'clock.

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WEDNESDAY MORNING, 9 o'clock, }  
January 12, 1859. }

The House met.

The journal was read and approved.

Mr. Boyd obtained leave and offered the following resolution :

*Resolved*, That the Superintendent of the Deaf and Dumb and also the Superintendent of the Blind are respectfully invited to give exhibitions of the proficiency of the pupils under their care, respectively, before the members of this General Assembly, and that the clerk of this House be instructed to inform the Superintendents of these Asylums of the passage of this resolution, and report to this House the time when, and the place where it will be convenient for them to hold such exhibitions.

Which was agreed to.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hunter, from the committee of ways and means, made the following report :

MR. SPEAKER:

The committee of ways and means, to whom was referred House Bill No. 10, being a bill to establish a board of sinking fund commissioners, provide for the election and appointment of officers thereof, and prescribing their powers and duties, have had the same under advisement, and directed me to report the same back to the House and recommend its passage.

The report was concurred in.

Mr. Dougherty moved that the bill be considered as engrossed and read a third time now,

Which was agreed to.

House bill No. 10. A bill establishing a board of sinking fund commissioners, providing for the election and appointment of the officers thereof, and prescribing the powers and duties of said board.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Austin, Blythe, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shall, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Whiteman, Wildman, Wood and Mr. Speaker—87.

Mr. Claypool, voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### RESOLUTIONS.

On motion by Mr. Stanfield,

*Resolved*, That no committee of this House shall employ a clerk at the expense of the State, without being previously authorized by a resolution of the House.

On motion by Mr. Jones,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of enacting a law prohibiting deputy auditors acting as deputy treasurers, and also prohibiting deputy treasurers acting as deputy auditor, and report by bill or otherwise.



Mr. Firestone offered the following resolution:

*Resolved*, That the committee on roads be required to inquire into the expediency of levying a tax of one and one-fourth of a cent on each acre of taxable land in the State, for the use of public roads, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Hartley,

*Resolved*, That the committee of ways and means be instructed to so change the assessment laws that each tax payer may deduct his indebtedness from money on hand or at interest, or from his personal property.

On motion by Mr. Hancock,

*Resolved*, That the committee on county and township business be requested to take into consideration the propriety of reducing the number of township officers to three trustees, one of whom shall act as clerk, one as treasurer and one as chairman of said board.

On motion by Mr. Murray,

*Resolved*, That so much of the Auditor's Report which refers to the present inefficiency of the insurance law (whose companies are doing business in the State regardless of its provisions) be referred to the committee on the judiciary, with instructions to inquire what further legislation upon that subject is necessary, and report by bill or otherwise.

On motion by Mr. Treadway,

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency of ordering a thorough geological survey of the State of Indiana.

#### BILLS INTRODUCED.

By Mr. Durham,

House bill No. 51. A bill to amend the third section of an act entitled "an act containing several provisions regarding landlords and tenants, lessors and lessees," approved May 20, 1852.

Which was read a first time and passed to a second reading.

Mr. Collier moved that the order of business be suspended to allow him to introduce joint resolution,

Which was agreed to.

Joint resolution No. 4. A joint resolution prescribing the manner of electing a State Printer.

Which was read a first time and passed to a second reading.

By Mr. Waterman,

House bill No. 52. A bill to provide for the election and qualification of assessors, and prescribing a part of their duties.

Which was read a first time and passed to a second reading.

By Mr. Hall of Rush,

House bill No. 53. A bill to amend the 14th section of "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By Mr. Stanley,

House bill No. 54. A bill to prohibit clerks and deputy clerks of the Supreme, Circuit and Common Pleas Courts from practicing as attorneys or counsellors at law in the courts of which they are clerks or deputy clerks, declaring it to be a misdemeanor for the clerks of the Circuit and Common pleas Courts to refuse to issue summonses and other writs in certain cases, and defining the penalty therefor.

Which was read a first time and passed to a second reading.

By Mr. Colgrove,

House bill No. 55. A bill giving clerks of the several circuit courts of this State probate jurisdiction, and defining their powers and duties therein, and fixing their compensation therefor, and to prohibit clerks and their deputies practicing law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act.

Which was read a first time and passed to a second reading.

By Mr. Colgrove,

House bill No. 56. A bill to repeal an act entitled "an act to establish courts of common pleas, and defining the jurisdiction of, and duties of, and providing for the judges thereof," approved May 14, 1852.

Which was read a first time and passed to a second reading.

By Mr. Harney,

House bill No. 57. A bill to amend the 74th section of an act

entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 12, 1852.

Which was read a first time and passed to a second reading.

By Mr. Martin,

House bill No. 58. A bill to require the Governor to make his requisition for the apprehension and delivery up of fugitives from justice.

Which was read a first time and passed to a second reading.

By Mr. Harrison,

House bill No. 59. A bill to extend to borrowers of sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund and other funds, time of payment of loans, and prescribing the duties of the proper officers in regard thereto.

Which was read a first time and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

House bill No. 5. A bill incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporate name of the township, town or city in which the same is situate, authorizing public school-houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city and the trustees of an incorporated town to levy all taxes for schools, and the building and repair of school-houses, and to repeal all laws inconsistent with this act.

Was read a second time, and

On motion,

Referred to the committee on corporations.

House bill No. 6. A bill to amend the second section of an act approved March 7, 1857, entitled "an act to authorize the formation of new counties and to change county boundaries,"

Was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

House bill No. 7. A bill supplemental to an act entitled "an act concerning interest on money," approved May 27, 1852, and providing for a conventional rate of interest.

Was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.



House bill No. 8. A bill to preserve buildings, and to punish persons for unlawfully occupying the same.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 9. A bill to establish the independent treasury of the State of Indiana, to provide for the safe keeping and disbursement of the public money of the State, and of the several counties thereof; creating the office of comptroller of the treasury, and prescribing the manner of his election, defining his duties and fixing his compensation, defining the duties of the Treasurer of State, Auditor of State and other State officers, and the duties of county auditors, and treasurers and other county officers, for the examination of the State and county treasuries, and providing for the punishment of the crime of embezzlement of public moneys, and fixing other penalties for violations of the provisions of this act.

Was taken up.

Mr. Robinson moved to suspend the rules and read the bill the second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Collier, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Robinson, Row, Scott, Sherman, Shockley, Shull, Smith of Perry, Snyder, Stinson, Summers, Tebbs, Thompson of Madison, Treadway, Waterman, Whetzel and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Colgrove, Comstock, Fordyce, Gifford, Harrison, Lewis, McLain, Merrifield, Power, Ritter, Rynerson, Shields, Smith of Miami, Stanley, Stanfield, Stiles, Thompson of Elkhart, Turpie, Usrey, Wheeler, Whiteman, Wildman and Wood—23.

So the rule was suspended and the bill read a second time by its title and

On motion by Mr. Jones,

Referred to select committee of five, to which that part of the Governor's message relating to an independent sub-treasury was referred.

House bill No. 11. A bill to amend the 21st section of an act entitled "an act providing for the organization of county courts, and prescribing some of their powers and duties," approved June 17th, 1852.

Was read a second time and ordered to be engrossed.

House bill No. 12. A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency.

Was read a second time.

Mr. Baird moved to amend as follows :

Strike out all that part of the bill making it a misdemeanor to issue the paper therein described, leaving it merely a misdemeanor to fail or refuse to redeem the same on demand.

Messrs. Martin and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird and Waterman—2.

*Those who voted in the negative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Usrey, Wheeler, Whetzel, Whiteman, Whildman and Mr. Speaker—88.

So the amendment was not agreed to.

Mr. Kempf moved to amend as follows :

So that all the penalties for failing to redeem may apply to all banks and bankers.

Mr. Davis moved to refer the bill and pending amendment to the committee on the judiciary ;

Which was agreed to.

House bill No. 13. A bill to amend the second section of article second of the Constitution of the State of Indiana, so as to confine the qualifications of an elector to every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election, and to vote in the township or precinct wherein he may reside.

Was read a second time, and

On motion by Mr. Austin,

Referred to a select committee of five.

Messrs Austin, Gregory, Kempf, Mansfield and Blythe were appointed said committee.

House bill No. 14. A bill amending section 14 of an act entitled "an act providing for the election of justices of the peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852,

Was read a second time, and

On motion by Mr. Knowlton,

Referred to a select committee of three.

Messrs. Knowlton, Martin and Cavins were appointed said committee.

House bill No. 15. A bill to amend the first and sixth sections of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Hall of Grant, obtained leave and introduced

House bill No. 60. A bill to authorize the county commissioners of Grant county to open a settlement with Samuel N. Woolman, and grant any relief due said Woolman.

Which was read a first time.

Mr. Hall of Grant, moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,



*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Carr, Cavins, Clark, Clayton, Comstock, Davisson, Davis, Devol, Eastham, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Johnston, Jones, Kelly, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Parrett, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whiteman, Wood and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Baird, Brotherton, Claypool, Collier, Dobbins, Dougherty, Durham, Early, Firestone, Gifford, Jordan, Lewis, Nelson, Row, Stiles, Turpie, Usrey, Wheeler and Wildman—19.

So the rule was suspended and the bill read a second time by its title, and ordered to be engrossed.

House bill No. 16. A bill to amend the 32d section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved March 7, 1857.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of this State.

Mr. Boyd obtained leave and introduced

House bill No. 61. A bill to regulate the retailing of spirituous and intoxicating liquors, to suppress the evils arising therefrom, fixing penalties for violations of the law, and declaring certain contracts void.

Which was read a first time and passed to a second reading.

## JOINT RESOLUTIONS ON SECOND READING.

Joint resolution No. 1. A joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to secure the passage of a law giving pensions to the soldiers of the war of 1812.

Was read a second time.

Mr. Dougherty moved to amend by inserting after the word "such" the word "indigent."

Mr. Edwards moved to refer the joint resolution and pending amendment to the committee on military affairs;

Which was agreed to.

Joint resolution No. 2. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act granting lands for agricultural colleges.

Was read a second time, and

On motion,

Referred to the committee on agriculture.

Joint resolution No. 3. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of such laws as will result in the location of an armory at the falls of the Ohio river on the Indiana side.

Was read a second time, and

On motion,

Referred to the committee on military affairs.

On motion by Mr. Durham,  
The House adjourned until 2 o'clock, P. M.

---

2 O'CLOCK, P. M.

The House met.

#### HOUSE BILLS ON SECOND READING.

House bill No. 17. A bill to prevent the illegal removal of deceased persons, or any part thereof, from public or private burying grounds, and prescribing penalties therefor.

Was read a second time, and

On motion by Mr. Ritter,

Referred to a select committee of five.

Messrs. Ritter, Hamilton of Boone, Firestone and Gifford were appointed said committee.

House bill No. 18. A bill to repeal an act entitled "an act to provide for the protection of the wild game, defining the time in

which the same may be taken or killed, and declaring the penalty for the violation of the same," approved February 26, 1857.

Was read a second time.

Mr. Parrett moved to refer the bill to a select committee of five.

Mr. Turpie moved to lay the motion to commit on the table.

Mr. Davis moved to include the bill in the motion.

Mr. Dobbins called for a division of the question.

The question being on laying the bill on the table.

Messrs. Turpie and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Bowman, Boxley, Brotherton, Carr, Claypool, Clayton, Cotton, Davis, Dougherty, Edwards, Firestone, Fordyce, Gifford, Gregory, Hancock, Jefferis, Johnston, Keefer, Lawhead, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Scott, Sherman, Snyder, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman and Mr. Speaker—38.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Boyd, Cavins, Clark, Clements, Colgrove, Collier, Comstock, Davisson, Dobbins, Durham, Devol, Early, Eastham, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hartley, Hunter, Jones, Jordan, Kelly, Kempf, Knowlton, Lewis, McLain, Massey, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Shull, Smith of Miami, Stanley, Sullivan, Summers, Turpie, Usrey, Wheeler, Whetzel, Wildman and Wood—55.

So the motion did not prevail.

The question being on laying the motion to commit on the table.

Messrs. Turpie and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Carr, Cavins, Clark, Clayton, Collier, Comstock, Dobbins, Devol, Early, Eastham, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Harney, Hartley, Hunter, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis,



McLain, Major, Mansfield, Massey, Martin, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Skull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Wheeler, Whetzel, Wildman and Wood—58.

*Those who voted in the negative were,*

Messrs. Black, Boxley, Brotherton, Claypool, Clements, Colgrove, Cotton, Davisson, Davis, Dougherty, Durham, Edwards, Firestone, Fordyce, Hall of Grant, Hamilton of Wayne, Hancock, Jefferis, Johnston, Keefer, Knowlton, Mellett, Miller, Murray, Nebeker of Warren, Nebeker of Vermillion, Power, Scott, Sherman, Snyder, Stanfield, Stiles, Thompson of Elkhart, Treadway, Waterman and Mr. Speaker—35.

So the motion was laid on the table.

Mr. Murray moved to refer the bill to the committee on the judiciary, with instructions to inquire into the expediency of amending the game law so as to repeal that part which relates to giving compensation to the informer.

Mr. Turpie moved to lay the motion on the table.

Messrs. Turpie and Jordan demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Carr, Cavins, Clark, Clements, Collier, Comstock, Dobbins, Early, Eastham, Gifford, Griffin, Hall of Rush, Hartley, Hunter, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Martin, Nelson, Newton, Parks, Parrett, Prosser, Robinson, Row, Rynerson, Shields, Shockley, Shull, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Wheeler, Wildman, Whiteman and Wood—52.

*Those who voted in the negative were,*

Messrs. Brotherton, Claypool, Clayton, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gregory, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Jefferis, Johnston, Keefer, Knowlton, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Power, Ritter, Scott, Sherman, Smith of Miami, Snyder, Stanfield, Stiles, Thompson of Elkhart, Treadway, Waterman, Whetzel and Mr. Speaker—41.

So the motion was laid on the table.

Mr. Miller moved to commit the bill to the committee on the judiciary with instructions to amend the present law so as to prolong the time in which prairie chickens, quails and pheasants may be killed until the first of February, also to repeal that portion granting bribe to informers.

Mr. Nebeker of Warren, moved to amend by adding the following additional instructions :

To amend so as to permit farmers to kill game at all times on their own farms.

Mr. Turpie moved the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was so ordered.

The question then being on the instructions offered by Mr. Nebeker of Warren.

Messrs. Turpie and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boxley, Brotherton, Carr, Clark, Claypool, Clements, Comstock, Cotton, Davis, Dougherty, Durham, Edwards, Firestone, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Jefferis, Keefer, Kelly, Kempf, Lawhead, McLain, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Ryncerson, Scott, Sherman, Shockley, Smith of Miami, Snyder, Stanfield, Stiles, Thompson of Madison, Treadway, Waterman, Whetzel, Whiteman and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Blythe, Boyd, Cavins, Colgrove, Collier, Dobbins, Devol, Early, Eastham, Fordyce, Gifford, Hall of Grant, Harney, Hartley, Johnston, Jones, Jordon, Knowlton, Lewis, Massey, Martin, Nebeker of Vermillion, Nelson, Newton, Prosser, Shields, Shull, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Turpie, Usrey, Wildman and Wood—35.

So the motion was agreed to.

The question then being on committing to the judiciary committee with the instructions as amended.

Messrs. Turpie and Newton demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Boxley, Brotherton, Clark, Claypool, Clayton, Colgrove, Cotton, Davis, Dougherty, Durham, Devol, Edwards, Firestone, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Johnston, Keefer, Knowlton, Lawhead, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Power, Ritter, Robinson, Row, Scott, Sherman, Smith of Miami, Snyder, Stanfield, Stiles, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Whetzel, Whiteman and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Boyd, Carr, Cavins, Clements, Collier, Dobbins, Early, Eastham, Fordyce, Gifford, Hartley, Hunter, Jones, Jordan, Kelly, Lewis, McLain, Massey, Martin, Nelson, Newton, Parks, Parrett, Prosser, Rynerson, Shields, Shockley, Shull, Stanley, Sullivan, Summers, Tebbs, Turpie, Usrey, Wheeler, Wildman and Wood—39.

So the bill was committed.

Mr. Mellett obtained leave and presented a petition from sundry citizens of Sulphur Springs, Henry county, on the subject of the game law.

On motion,

The petition was referred to the committee on the judiciary.

The Speaker laid before the House the following communication from the Superintendent of the Asylum for the Insane :

INDIANA HOSPITAL FOR THE INSANE,  
January 12, 1859. }

TO HON. J. W. GORDON,

*Speaker of the House of Representatives :*

SIR:—I have the honor to lay before the House of Representatives the following report, in reply to a resolution of the House at the extra session, directing the respective Superintendents of the Benevolent Institutions of the State to inform the House, as soon as the fact can be obtained, of the relative cost *per capita* of supporting similar institutions in the United States, showing number of managers, instructors and employees, cost of general management, of subsistence, of clothing and all other expenses, and also



the character of and receipts from the labor performed at each institution.

In complying with the requisitions of the resolution, I have made every effort to obtain reliable information, and have succeeded in obtaining replies to my letters from thirty-one Asylums for the Insane; twenty-eight of them are State and corporate institutions, similar to our own. Three are private receptacles for the insane, and are merely noted here to show the charges for treating patients, in contrast with public or State institutions.

You will perceive that the average cost of supporting patients in twenty-eight institutions, exclusive of clothing and furnishing, &c., &c., is \$3 15 per week, while the cost of supporting patients in this institution, taking the past fiscal year as a sample is, including furnishing and all other expenses, \$2 93 per week, or exclusive of clothing, and for every thing else \$2 65 per week, or exclusive of clothing and furnishing \$2 15 per week.

In order to obtain the necessary statistics of this institution, and present them in a tangible form, I had to examine its history from the purchase of the farm up to the present time. The cost of the farm, the cost of the buildings, the amount expended each year, the amount of current expenses for each year, the cost *per capita*, including every expense; the cost *per capita*, excluding furnishing and live stock, &c., &c., the cost *per capita*, excluding clothing, but including everything else; cost *per capita*, excluding clothing and furnishing, &c., also the cost of furnishing for each year; the value of the furniture and furnishing now in the Hospital; the value of live stock, carriages and wagons on hand; the value of the improvements, the cost for which, appears in our current expenses, all is given in a tabular form, together with other items bearing upon the history of the hospital which may be of interest to the House.

The farm of 160 acres purchased in 1845 cost.....	\$5,458 06
The buildings, including the farm and barn, cost ...	222,151 08
The furnishing for the ten fiscal years cost, in the aggregate.....	33,675 82
Total amount expended.....	<u>\$256,826 90</u>

To which add indebtedness for building and furnishing, about .....	\$8,000 00
Total cost of buildings and furnishing to October 31, 1858 .....	262,826 90
Total amount of current expenses for ten years, excluding furnishing, but covering clothing, to Oct. 31, 1858.....	193,658 58
Or for treating 1,550 patients during the ten years, <i>per capita</i> per annum, or \$2 40 cents per week..	125 00

The articles of furnishing on hand have been valued, and the items in detail noted in a book, where they may be examined at any time.

The carriages are valued at .....	\$165 00
The wagons are valued at .....	275 00
The improvements, the cost for which appears in the current expenses, are valued at .....	1,065 00
Live stock valued at, say—	
5 horses at .....	\$500 00
2 mules at .....	400 00
2 oxen at .....	125 00
12 cows .....	420 00
85 sheep .....	260 00
	<hr/>
	6,705 00
The total amount of furnishing, live stock, &c, on hand is .....	\$11,271 00

Showing that \$22,404 82 has been exhausted in the ten years for the treatment of 1,550 patients.

The land is valued at .....	\$32,000 00
Cost .....	5,458 06
Increase value .....	26,541 94
From which deduct .....	22,404 82
Leaving .....	4,137 72

Which shows that the State has not really lost anything in the furnishing, &c.

Of the live stock as per estimate of Steward, we have lost by cholera \$450 worth of hogs.

Nothing whatever has been expended for ornamenting the grounds, although I have transplanted between two and three thousand fruit, forest and ornamental trees, yet it has not been at one dollar's expense to the State.

Our library, in the estimate for furnishing, both for officers and patients, is put down at \$100.

Since 1854 the hospital has paid toll to the Central Plank Company, the sum of \$352. This is an item not found in previous current expenses.

The Board of Commissioners were first organized January 13, 1845.

Dr. John Evans, the first Superintendent, was elected 21st January, 1846, resigned July 1st, 1848.

Dr. Richard J. Patterson was elected Superintendent July 1st, 1846, resigned June 1st, 1853.

The present incumbent was elected Superintendent April 7th, 1853, took charge of hospital June 1st, 1853, and re-elected March 3d, 1857.

On the 1st of June, 1853, I found one hundred and fifty patients in the wards, (74 males and 76 females,) four subordinate officers, and thirty-eight employees. Total employed forty-two persons.

To-day there are two hundred and eighty-eight patients in the wards, four subordinate officers and forty-nine employees. Total employed, fifty-three persons.

The capacity of the hospital continued the same to the 4th of August, 1855, when the south wing was opened, and an additional number of patients accommodated. Of the 1,591 patients admitted to the wards of the hospital, 1,246 have been under the charge of the undersigned.

Although my report may be somewhat prolix, I am sure you will find the tabular statements of infinite advantage for present and future use.

The rumors which have been put afloat about the extravagance of our benevolent institutions, is one reason why I have elaborated the entire operations of the hospital.

The books of the hospital, bills of purchase, and everything connected with the finance, and the treatment of patients, are open for inspection, and may be examined and thoroughly understood in an hour.

There are no proceeds from the labor of patients.

Very respectfully,

JAMES S. ATHON, *Sup't.*

Mr. Edwards moved that the communication be laid on the table and five hundred copies printed for the use of the House.

Which was agreed to.

House bill No. 19. A bill prohibiting any officer or officers, clerk, deputy, employee or agent of any officer or officers, having in charge or under their control, in any manner, any of the public funds of this State, or any county or township of this State, from making any false record or fraudulent entry concerning the same knowingly, or from embezzling any part thereof, and declaring the same a felony, and providing a penalty therefor.

Was read a second time and

On motion,

Referred to the committee on the judiciary.

House bill No. 20. A bill to prevent carrying concealed and dangerous weapons, and to provide punishment therefor.

Was read a second time and

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

House bill No. 21. A bill providing for voluntary assignment



of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same.

Was taken up.

Mr. Brotherton moved to suspend the rule and read the bill a second time by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Black, Bowman, Boyd, Brotherton, Carr, Cavins, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Devol, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Kempf, Knowlton, Lawhead, Major, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Newton, Parks, Parrett, Prosser, Robinson, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Stanley, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Waterman, Wheeler, Whetzel, Whiteman and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Claypool, Comstock, Cotton, Davisson, Edwards, Firestone, Fordyce, Gifford, Hartley, Kelly, Lewis, McLain, Mansfield, Massey, Nelson, Power, Ritter, Shull, Snyder, Stiles, Tebbs, Treadway, Turpie, Usrey, Wildman and Wood—28.

So the rule was not suspended.

On motion by Mr. Parrett,  
The bill was referred to a select committee of five.

Messrs. Parrett, Scott, Mellett, Colgrove and Griffin were appointed said committee.

House bill No. 22. A bill to amend the first, second and third sections of an act approved May 27, 1852, entitled "an act concerning interest on money,"

Was read a second time and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

On motion by Mr. Summers,  
The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock, }  
January 13, 1859. }

The House met.

The journal was read and approved.

Mr. Murray moved that the Doorkeeper be instructed to have the list of standing committees and rules of order reprinted owing to the many errors contained in those already printed ;  
Which was not agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

The Speaker laid before the House a petition from sundry citizens of Marion and Hancock counties, on the subject of temperance.

Mr. Knowlton moved to dispense with the reading of the petition ;  
Which was agreed to.

Objections having been made by Mr. Prosser to receiving said petition.

Mr. Nebeker of Warren, moved to receive the petition, and that it be referred to the committee on temperance.

Mr. Baird called for a division of the question ;  
Which was ordered.

The question being on receiving the petition.

Messrs. Baird and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Brother-ton, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley,

Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Thompson of Elkhart, Treadway, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Baird, Carr, Clements, Early, Jordan, Keefer, Knowlton, Merrifield, Prosser, Smith of Perry, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison and Usrey—16.

So the petition was received.

The question then being on referring the petition to the committee on temperance.

Mr. Dougherty moved to lay the petition and motion on the table.

Messrs. Thompson of Madison, and Knowlton demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Carr, Clements, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Jones, Jordan, Keefer, Kelly, Knowlton, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Nelson, Newton, Parrett, Prosser, Row, Shull, Smith of Perry, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Usrey and Wheeler—36.

*Those who voted in the negative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Brotherton, Cavins, Clark, Claypool, Clayton, Collier, Colgrove, Comstock, Cotton, Davisson, Davis, Devol, Eastham, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Kempf, Lawhead, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanfield, Stiles, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—61.

So the motion did not prevail.

Mr Baird moved to refer the petition to a select committee of three;

Which was not agreed to.

H. J.—6.



The petition was then referred to the committee on temperance.

Mr. Collier moved that the House do now adjourn ;  
Which was not agreed to.

By Mr. Davis,

A petition from Jared C. Joceylin, of New Albany, on the subject of salaries.

On motion,  
The petition was referred to the committee on fees and salaries.

Mr. Stanfield obtained leave and made the following report :

**MR. SPEAKER:**

In obedience to the resolution of this House at its special session I proceeded to Huntington to take the deposition of witnesses in the cases mentioned in said resolution. Finding that a full investigation had been had of all the facts in controversy arising upon said election in a contest of the seat of a commissioner elected at that election, which had been reduced to writing, and could by an agreement between the parties, be made applicable as evidence in this case, I procured such an agreement to be made, and I here with lay before the House the evidence taken in pursuance of it, and also the poll books and tally papers of said election in Huntington township, which may be valuable as evidence in showing the truth of the facts in controversy.

On motion,  
The evidence accompanying the above report was referred to the committee on elections.

Mr. Durham obtained leave and presented a petition from Thomas Johnson, of Dearborn county, in reference to a certain claim therein named.

On motion,  
The petition was referred to the committee on claims.

Mr. Knowlton, from a select committee, made the following report, viz :

**MR. SPEAKER:**

The majority of the select committee, to whom was referred House bill No. 14, a bill amending section fourteen of an act entitled "an act providing for the election of justices of the peace,

and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, report the same back with the following amendment:

Insert between the words "townships," in the 2d line, and "upon," in the 4th line, the words "or when a defendant or defendants has or have promised in writing to discharge any debt or contract in a township, suit may be commenced either in the township in which said defendant or defendants promised to discharge such debt or contract, or in the township in which either of the said defendants may reside, and process may be served," and when so amended recommend its passage.

On motion by Mr. Scott,  
The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

The Speaker laid before the House the following communication and accompanying report, from the Trustees of the Wabash and Erie Canal:

INDIANAPOLIS, January 13, 1859.

HON. JONATHAN W. GORDON,

*Speaker of the House of Representatives:*

SIR:—Accompanying this note I have the honor of submitting the annual report of the Board of trustees of the Wabash and Erie Canal, which you are respectfully requested to lay before the House over which your preside.

Very respectfully,

THOMAS DOWLING,  
*Resident Trustee.*

Mr. Edwards moved that the report be laid on the table and five hundred copies printed for the use of the House:

Which was agreed to.

Mr. Stiles obtained leave and introduced the following joint resolution:



Joint resolution No. 5. *Resolved by the General Assembly of the State of Indiana*, That our legally elected Senators and Representatives in Congress be requested to take such action as may be necessary to give each actual settler on the public lands a homestead of at least one hundred and sixty acres of land.

Which was read a first time.

The Speaker then announced that upon investigation he had concluded to change the ruling heretofore acted upon, and decided that it was not necessary to read a joint resolution more than once, it not being in any sense a law.

The question therefore being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—77.

Mr. Clements voting in the negative.

So the joint resolution passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Kempf obtained the consent of the House and introduced

Joint resolution No. 6. A joint resolution authorizing the addition of a number of German books to township libraries, where the number of German voters of such township would justify so doing.

Which was read, and

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Brotherton, Carr, Clark, Clayton, Clements, Colgrove, Collier, Davisson, Davis,



Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Branham, Cavins, Edwards, Gregory, Knowlton, Row, Treadway and Usrey—8.

So the joint resolution passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Shull obtained the consent of the House and introduced

Joint resolution No. 7. A joint resolution expressing the sense of this General Assembly on the distribution of the common school funds,

Which was read.

Mr. Dougherty moved to commit the joint resolution to the committee on education.

Mr. Nebeker of Warren, moved to lay the joint resolution on the table,

Which was agreed to.

The Speaker made the following additions to the committee on the judiciary, to-wit:

Messrs. Parrett, Scott and Stiles.

The question pending at the adjournment this morning, being on concurring in the report of the select committee on House bill No. 14;

It was not concurred in.

Mr. Davis moved to amend by adding the following:

SEC. —. Nothing herein contained shall prevent the collection of debts in the township in which the same shall have been contracted.

Mr. Murray moved to lay the amendment on the table ;  
Which was agreed to.

Mr. Hamilton of Boone, moved to recommit the bill to the committee on the judiciary, with instructions to strike out the exception contained therein ;

Which was not agreed to.

Mr. Murray moved to refer the bill to the committee on the judiciary ;

Which was agreed to.

#### RESOLUTIONS.

On motion by Mr. Harney,

*Resolved*, That the use of this Hall be granted to the State Temperance Convention on Monday evening and Tuesday, the 18th inst., in which to transact their business and hold their meeting.

Mr. Dobbins offered the following resolution :

*Resolved*, That the committee on rights and privileges, to whom was referred House bill No. 7, providing for ten per cent. interest on contract, be instructed to report an amendment thereto, prohibiting all banks from charging a greater rate of interest on notes, bills of exchange or otherwise, per annum, than that which is allowed in said bill to individuals on moneys loaned, with proper penalties and restrictions.

Mr. Hamilton of Boone, moved to amend the resolution so as to prohibit banks from discounting directly or indirectly, at a greater rate of interest than six per cent. per annum ;

Which was not agreed to.

Mr. Nebeker of Warren, moved to amend by inserting "that the committee inquire into the expediency ;"

Which was agreed to.

The resolution as amended was then adopted.

On motion by Mr. Murray,

*Resolved*, That the committee on the judiciary be instructed to inquire into the power and expediency of providing by law for setting apart a sufficient portion of the funds arising from the State's interest in the State Bank, and distributing the residue immediately among the several counties of the State in just proportions, to be loaned upon mortgaged security, for the benefit of common schools.



On motion by Mr. Summers,

*Resolved*, That the committee on township business be required to inquire into the expediency of so amending section 18 of an act approved May 6, 1852, that the trustees shall annually, on the third Monday in March of each year, settle with and audit the accounts of the treasurer and the supervisors of roads in their respective townships, instead of February as now provided by law.

Mr. Knowlton offered the following resolution :

*Resolved*, That the Doorkeeper of this House call at the Post Office at or near the hours of 9 and 2 o'clock, each day while the House is in session, for the mail matter of such members of this House as desire it, and place the same upon their desks.

Mr. Edwards moved to lay the resolution on the table ;  
Which was agreed to.

On motion by Mr. Sullivan,

*Resolved*, That the portion of the Governor's message that refers to banks and bank laws be referred to a select committee of one from each Congressional District.

On motion by Mr. Collier,

*Resolved*, That Mr. Dougherty be excused from serving on the committee on education, and that Mr. Parks be added in his place.

Mr. Stanfield offered the following resolution :

*Resolved*, That Mr. Snyder of Jasper county, be added to the committee on swamp lands.

Which was not agreed to.

Mr. Snyder offered the following resolution :

*Resolved*, That the committee on fees and salaries be instructed to inquire into and report upon the propriety of so amending the law regulating fees and salaries.

*First*. As to attain uniformity in fees and allowances made to county auditors for making tax duplicates.

*Second*. To provide a certain fee for transferring the lands described in each deed instead of, as is the now the law, giving a fee for each description contained in a deed.



*Third.* To provide for the completion of cross indexes to deed records by county recorders, and to make it a part of the duty of such recorders, after such completion of indexes, to continue and keep up the same, without charge or allowance.

Mr. Dougherty moved to amend by striking out the 3d clause of the resolution ;

Which was not agreed to.

The resolution was then agreed to.

On motion by Mr. Dobbins,

*Resolved*, That Mr. Eastham be excused from serving on the committee on military affairs, and that Mr. Firestone be added to said committee.

On motion by Mr. Jordan,

*Resolved*, That the committee on the judiciary be instructed to inquire whether the circulation of bank bills of a less denomination than five dollars issued by banks within this State can be prohibited by law.

On motion by Mr. Johnston,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing the present mode of selecting jurors in the circuit courts and courts of common pleas, and to provide a cheaper and better system therefor, and that they report by bill or otherwise.

On motion by Mr. Waterman,

*Resolved*, That the committee on fees and salaries be instructed to inquire into the propriety of so amending the law regulating fees and salaries as to allow county officers stated annual salaries, with authority given to the county boards doing county business, to allow said officers for clerk hire in counties where justice requires it, and that said committee report by bill or otherwise.

Mr. Colgrove moved to suspend the order of business and take up the message from the Senate, containing the memorial to the Senate of the United States, in regard to the election of United States Senators.

Messrs. Thompson of Madison, and Knowlton demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Waterman and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Black, Bowman, Boyd, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Row, Shockley, Skull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—47.

So the message was not taken up.

Mr. Treadway offered the following resolution:

*Resolved*, That it shall be a standing rule of this House to meet each Monday at 2 o'clock, P. M., and adjourn each Saturday at 11 o'clock, A. M.

Which was laid over, under the rule, until to-morrow.

On motion by Mr. Hamilton, of Boone,

*Resolved*, That so much of the Auditor's Report as refers to the insurance laws be referred to the committee on corporations.

On motion by Mr. Wildman,

*Resolved*, That the judiciary committee be requested to inquire into the expediency of so amending the law relating to the evidence of parties as to allow parties to swear to their book accounts, and report by bill or otherwise.

Mr. Smith of Perry, obtained leave and presented a memorial from the Indiana State Board of Agriculture, representing the importance and desirability of a thorough geological survey of the State.

On motion,  
The memorial was referred to the committee on agriculture.



## JOINT RESOLUTIONS

By Mr. Smith of Perry,

Joint resolution No. 8. A joint resolution creating a joint committee, to whom shall be referred petitions, &c., on agriculture and geological surveys.

Was read, and

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were.*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. Bowman, Carr, Clark, Clayton, Early, Johnston, Shockley, Snyder, Turpie and Waterman—10.

So the joint resolution passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Sherman introduced

Joint resolution No. 9. A joint resolution on the subject of an appropriation by the Federal Government for the improvement of Michigan City harbor.

Which was read, and

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins,



Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Summers, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—89.

*Those who voted in the negative were,*

Messrs. Harney, Hartley and Knowlton—3.

So the joint resolution passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Murray introduced

Joint resolution No. 10. A joint resolution on the subject of the admission of Oregon and Kansas into the Union.

Which was read, and

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Mansfield, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Waterman, Wheeler, Whiteman, Wildman, Wood and Mr. Speaker—79.

Mr. Clements voting in the negative.

So the joint resolution passed.

*Ordered,* That the clerk inform the Senate thereof.

## BILLS INTRODUCED.

By Mr. Boyd,

House bill No. 62. A bill to amend section 3 of an act entitled "an act to provide for the election, and prescribing certain duties of recorder," approved May 31, 1852.

Which was read a first time and passed to a second reading.

By Mr. Nebeker of Warren,

House bill No. 63. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Boone,

House bill No. 64. An act to prevent the killing or destruction of wild game within the periods therein described, providing penalties for violations thereof, and repealing all laws in conflict therewith.

Which was read a first time and passed to a second reading.

By Mr. Stanfield,

House bill No. 65. A bill to amend section 4 of an act entitled "an act concerning interest on money," approved May 27, 1852, so as to allow the recovery of principal and legal interest on contracts for more than legal interest.

Which was read a first time and passed to a second reading.

By Mr. Edwards,

House bill No. 66. A bill to regulate the business of Insurance Companies incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all previous enactments in regard to such companies.

Which was read a first time and passed to a second reading.

The Speaker announced the following select committee, under the resolution of the House adopted on Monday last, referring to that portion of the Governor's Message, which relates to an independent sub-treasury, to a select committee of five with Mr. Jones as chairman, to-wit:

Me-srs. Jones, Smith of Perry, Dougherty, Stanfield and Hunter.

On motion by Mr. Sullivan,  
The House adjourned until to-morrow morning, 9 o'clock.



FRIDAY MORNING, 9 o'clock, }  
January 14, 1859. }

The House met.

The journal was read and approved.

Mr Murray demanded a call of the House;  
It was so ordered.

The Clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—99.

All the members being present except Mr. Snyder.

Mr. Murray moved that Mr. Snyder, the absentee, be sent for,  
Which was so ordered.

While the House was waiting for the appearance of the absentee, the Speaker, by consent, laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 13, 1859. }

To HON. J. W. GORDON,

*Speaker of the House of Representatives:*

In reply to the resolution of the House of the 11th inst., inquiring the amount due from Hiram E. Talbott, upon his retirement



from the Auditor's office, and what portion of the same has been collected, also the amount received by the Auditor of State from all sources during the present term, the amount paid out, the balance on hand and where the same is deposited, I have the honor to state, that the balance due from H. E. Talbott for money in his hands on the 25th January, 1857, was \$41,426 68, in payment of which he turned over to me, as his successor, the following assets, for which I gave him specific receipts, describing the nature of the payments:

Deposit in the Bank of the Capital.....	\$22,000 00
Joint note of May, Drake and Bright, endorsed by Talbott.....	10,000 00
Cash .....	858 04
	<hr/>
	\$32,858 04
	<hr/>
Leaving a deficit of .....	\$8,568 64
Suit was instituted against the securities of Talbott and judgment obtained for.....	\$8,500 00
	<hr/>
Leaving a balance unprovided for of....	\$68 64
There is still due on the judgment....	7,325 00
On the note of May, Drake and Bright....	10,000 00
From the Bank of the Capital.....	3,247 57
	<hr/>
Total amount of balance from Talbott uncollected	\$20,641 21

Execution has been ordered upon the judgment against the securities of Talbott, the whole of which will undoubtedly be realized, reducing the amount uncollected to \$13,316 21.

This amount is exclusive of any liabilities which may exist on account of bank securities surrendered during the term of the late Auditor of State.

I have collected from H. E. Talbott and his securities the sum of.....	\$20,785 47
Received from all other sources since the commencement of the present term.....	52,277 87
	<hr/>
Making total amount received .....	\$73,063 34
There has been paid out on all accounts during the present term .....	39,808 31
	<hr/>
Leaving a balance on hand of.....	\$33,255 03

Which belongs to the following accounts:

For the redemption of protested bank notes.....	\$13,308 74
Expenses of free banking.....	1,340 00
Deposits by Insurance Companies.....	360 99
State debt sinking fund interest unexpended.....	18,245 30
	<hr/>
	\$33,255 03

The balance on hand is deposited in the banks of the city of Indianapolis, and is available upon demand. Not a dollar of the funds in the hands of the Auditor of State is loaned to either individuals or corporations, or in any way placed in jeopardy.

Respectfully,

JOHN W. DODD,  
*Auditor of State.*

Mr. Davis moved that the communication be referred to the committee of ways and means ;

Which was agreed to.

Mr. Snyder made his appearance,

When,

On motion,

The further call of the House was suspended.

Mr. Murray moved to suspend the order of business and take up the message from the Senate, containing the memorial to the Senate of the United States, in regard to the election of United States Senators ;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to announce to the House of Representatives that the Senate has adopted the following memorial to the Senate of the United States and concurrent resolution thereof.

In which the concurrence of the House of Representatives is respectfully requested.

*To the Honorable the Senate of the United States :*

The State of Indiana, by her Senators and Representatives in General Assembly convened, would respectfully represent to your honorable body, that as she is not now and has not been for some time represented in the Senate of the United States, it is her wish and desire that the Hon. Henry S. Lane and the Hon. William Monroe McCarty be admitted to seats in the senate of the United States, as the only legally elected and constitutionally chosen Senators of this State ; and that they were so legally elected and con-



stitutionally chosen Senators of this State; and that they were so legally elected and constitutionally chosen on the 22d day of December, 1858, in compliance with the provisions of the following concurrent resolution, which preceded and prescribed the rule of such election, to-wit:

“WHEREAS, The State of Indiana has been and is now unrepresented in the Senate of the United States; AND WHEREAS, there is now no law other than the Constitution of the United States and of this State, providing for a choice by the Legislature of this State; AND WHEREAS, it is essential that this Legislature should choose such Senators at its present session.

“*Be it resolved* by the Senate, the House of Representatives concurring therein.

*First.* That the Senate and House of Representatives shall, upon the passage of this resolution by either House, proceed immediately to the choice of persons to represent this State in the Senate of the United States, and that a majority of each House shall be necessary to such choice.

*Second.* That each person who shall receive a majority of the votes given in both Houses of this Legislature, shall be declared duly elected to represent the State of Indiana in the Senate of the United States. The person first chosen shall be declared elected, from the date of the election herein provided, and shall serve as such Senator until the 4th of March, 1863, and the person next chosen shall, in like manner, serve as such Senator until the 4th of March, 1861.

*Third.* The Secretary of the Senate and the Clerk of the House of Representatives shall immediately upon the choice as herein provided for by the respective Houses, certify the same to the Secretary of State, who shall certify the same under the seal of the State to the Vice President of the United States, and also furnish to each of the persons so chosen as herein provided, when application is made by such person or persons, or others for them, copies of their election or choice as such Senators.

*Fourth.* The said Secretary of State shall furnish with the certificate, as herein provided, a copy of this resolution and the vote of each House thereon.”

Your memorialist as one of the sovereign powers that compose the Union, to the existence of which it is essential that equal and exact justice should be measured out to all, in order to secure the harmony of the whole, and perpetuate the mutual confidence that should actuate each in its intercourse with the others, would in-



voke your attention to the fact that her commission has not been awarded to any persons other than those herein named, since a vacancy has occurred in her representation in your honorable body.

To the end that your memorialist may be more fully understood, it is but just and proper that a concise statement of the facts, upon which your memorialist bases the propriety of the course which she has taken in the premises, be now submitted for the consideration of your honorable body.

In doing this, it will be necessary to go back a little in your own as well as her history.

In January of the year 1855, a regular session of the General Assembly of this State, in accordance with the provisions of her Constitution, was convened at Indianapolis. As her Constitution provides that the sessions of the General Assembly shall be held biennially, no other regular session would occur until January, 1857. On the 4th of March, 1855, a vacancy was to occur in the Senate of the United States, by the expiration of the term of one of her Senators. To supply this vacancy, it was the duty of the General Assembly of 1855 to provide by choosing some one of her citizens to serve as such Senator. That General Assembly adjourned upon the expiration of the time allowed by the Constitution, without having elected, chosen or designated any one to act as her Senator, in your branch of the National Legislature. Thus your memorialist was without any constitutional representation in your honorable body. There was not any other session of her General Assembly for two years, although provision is made in her Constitution, for an extra session, whenever in the opinion of her executive officers it may be deemed necessary to convene the Senators and Representatives.

In January, in the year 1857, the General Assembly of your memorialist was again convened. On the 4th of March, 1857, and before the adjournment of this session of the General Assembly, another vacancy was to occur in your honorable body, by the expiration of the term of the only remaining Senator of your memorialist. Your honorable body will now perceive that it was clearly the duty of this General Assembly at its present session, to provide that a choice should be made of two of the citizens of your memorialist, to supply the vacancy that had already, in part, and soon would entirely occur in your branch of the Congress of the United States.

In this connection, it may not be improper to inform your honorable body that there had been no statutory provision by the Legislature of your memorialist, regulating the choice or election of United States Senators by the General Assembly since the adoption of her present Constitution. Hence, any election which should take place would of necessity be governed by the provisions of the Constitution of the United States and of this State. In addition, also to the binding force of the Constitution of the

United States as the supreme law of the land, the Legislature of your memorialist did enact that, among the laws governing this State should be first the Constitution of the United States. See Revised Statutes, vol. 1, page 351. Then, as your memorialist was without any law on this subject other than that contained in the Constitution as above named, it would be unnecessary to direct the attention of your honorable body to the provisions of section 3 of article 1 of the Constitution of the United States, as also section 4 of the same article.

Your memorialist would further represent that since the requirements of the Constitution of the United States as above referred to, are upon the Legislatures of the several States, the Constitution of Indiana clearly defines her Legislature and declares of what it shall consist. See Constitution of Indiana, article 4, section 1. See also section 11 of article 4, which is further descriptive of what is essential to constitute it a body capable of transacting legislative business.

From what has been shown of the law, it will be obvious at once, that the only rule by which your memorialist could be governed in her choice of persons to act as her Senators, will be found in that provision of the Constitution of the United States, which requires such choice to be made by the Legislature, and as the terms legislature and legislative power have been defined by the organic law of this State, it will be no difficult matter to ascertain wherein that law has been complied with or disregarded in any case that may have been or shall be presented for the consideration of your honorable body.

Your memorialist is now prepared for the assertion that the persons now assuming to represent her in the Senate of the United States, are not now and have not been since the action of certain members of the General Assembly in February, 1857, upon which action it is claimed that said persons were elected Senators in the United States Senate for Indiana, the legally elected or constitutionally chosen Senators of Indiana, and in support of her denial of their right to act as such Senators, for her and in her behalf, your memorialist would earnestly invoke the attention of your honorable body to the following facts, viz:

The session of the General Assembly which convened in January, 1857, succeeded the general election of 1856, at which time an election for Governor and Lieutenant Governor was held. Section 4 of article 5 of the Constitution of Indiana provides that the result of this election shall be published by the Speaker of the House of Representatives in the presence of both Houses of the General Assembly. On Monday morning of January 12, 1857, a message was received by the Senate from the House of Representatives, inviting the Senate to attend in the Hall of the House of Representatives at half past 2 o'clock, for the above purpose, see Senate Journal page 41. The Senate convened at 1 o'clock, P. M., and immediately took up the message of the House, and was



proceeding to amend the same, when the President of the Senate laid before the Senate a communication from the Speaker of the House of Representatives, in which said Speaker informs the Senate that he would proceed instanter to open and count and publish the vote for Governor and Lieutenant Governor, whereupon the President of the Senate announced that his connection with the Senate as their presiding officer had terminated, and immediately, without adjournment or motion therefor, and as your memorialist affirms and verily believes, in violation of section 10 of article 4 of her Constitution, left the Senate followed by twenty-three of the Senators. The remainder of the Senators occupied their seats and proceeded with business, but, upon a call of the Senate being had it was ascertained that a quorum or two-thirds was not present and the Senate could make no disposition of the business then pending; a resolution embodying this fact was introduced and spread upon the journal, and the Senators present continued in their seats till the return of the absent Senators, preceded by the incoming Lieutenant Governor, and *ex officio* President of the Senate, when the pending questions were taken up in their order and dis. osed of as though no interruption had taken place.

The President of the senate left the Chair and Hall of the Senate at five minutes before two o'clock, upon receipt of the communication of the Speaker of the House of Representatives, which communication your memorialist affirms and believes to have been wholly unauthorized by the House of Representatives, as the journals of said House contain no record of such authority or change in the time for that duty from the time named in the resolution sent to the Senate. For a record of these facts, see Senate Journal pages 41 to 46 inclusive.

It is further a part of this proceeding that whilst in the meeting thus unauthorized, the President of the Senate and Governor elect did at first preside during the counting of the vote, but, upon the conclusion of that ceremony appointed a Senator to occupy the position of presiding officer who then and there assumed without motive, leave or desire therefor, on the part of said meeting, the power to adjourn said meeting to the second day of February following and did so adjourn it

On February the 2d said meeting was again convened, and as before, by leaving the Senate as on the former occasion without a constitutional quorum, and without adjournment or motion therefor. See Senate Journal pages 221 and 222.

At this last named meeting the Lieutenant Governor adjourned as the Senator on the former occasion had done the meeting to the 4th day of February. On Wednesday, the 4th day of February, the President of the Senate again left the chair, and with a number of Senators left the Senate chamber as on former similar occasions, in the midst of its deliberations and without adjournment. At this unauthorized meeting, the persons who have since claimed to be the Senators of your memorialist, claim to have been



elected, and upon that claim have been permitted to act as such Senators by your honorable body to the present term.

It will thus be apparent to your honorable body that this unauthorized meeting, at which the present incumbents claim to have been elected United States Senators, was originated in violence and continued by insubordination. The Constitution of this State in section 4 of article 5, under which who contend for the legality of the meeting above named, imposes a duty upon the Speaker of the House of Representatives alone, and does not, by any fair construction, enjoin upon the Legislature any obligation at all, much less even remotely contemplates the organization of a joint convention of the two Houses. But in the latter clause of section 5 of the same article, in cases of two persons having an equal and the highest number of votes, provision is made for deciding the question by a joint vote of the General Assembly. Now it is only necessary, in order to ascertain whether a joint convention is contemplated in this article, to inquire, as a duty is here involved on the General Assembly, what the Constitution means by the term General Assembly. To answer this question, it is sufficient to refer to sections 1 and 2 of article 4 of the Constitution, which should be read in connection with section 11 of the same article. But if the meeting originated as herein described, had no legislative power, your memorialist would respectfully submit whether, on a mere adjournment of such meeting could, by any possibility, confer upon it authority sufficient to legalize the act under which the present incumbents hold the honor and exercise the power of United States Senators for the State of Indiana. But again, if this meeting had not originally belonging to it the power of legislation, if it was not at first a legal organization, was it not less so when an effort was made to perpetuate its existence by an individual who had been called to preside over its deliberations by the presiding officer of the Senate, at the moment when his power to preside, as such officer, ceased and had expired. Yet, such was the case, for the President of the Senate, who had the power when the Senate was in session in its own chamber, to call any Senator to the chair temporarily, at this unauthorized meeting, which was not a Senate, appointed, when he had no longer the power himself, a Senator to conduct its deliberations. This Senator assumed to adjourn the meeting to a distant day, at which the meeting assembled, and was again in like manner adjourned to another; at which last named day, the wrong of which your memorialist complains was afflicted upon her. Your honorable body will at once perceive that no motion, concurrent or joint resolution for electing Senators, or other proposition for that purpose, had been previously made or attempted. The Senate had never been invited by the House, or the House by the Senate, to join, participate in, or consent to, any such election or elections. The object, if there was an object, was studiously concealed, at least so far as the Journals of either House show the election thus held, by

which the present incumbents claim their seats, was without the knowledge, consent or participation of a quorum of either House of the General Assembly; and notwithstanding a majority of the members *per capita* of the two Houses, may have assented to, and taken part in the proceedings of said meeting, any election thus had, could certainly have no binding force when the meeting itself was void. That there was not a quorum of the Senators present in the above meeting if additional evidence is wanting, your memorialist would refer your honorable body to the protest of the twenty-three Senators who did participate in it, against the action of the majority of the Senators who remained in session during the absence of the protestant. See Senate Journals pages 480, 81 and 83. Again, if the action of the majority of the Senators, who remained in session after the minority had unceremoniously deserted the Senate chamber, was illegal and void, as the protestants allege, your memorialist will leave your honorable body to characterize the acts, doings and resolves of the minority out of the Senate chamber. But the friends of the proceeding against which your memorialist now complains, should have been estopped by their own acts distinctly and deliberately performed on two separate occasions; the first was in 1855, as will be seen by reference to Senate Journals of that year, page 522, wherein they introduced a resolution for the election of a United States Senator with the following preamble:

WHEREAS, There is no law on the Statute book providing for the election of United States Senators, and in the absence of any statutory provision it is competent for the Legislature to prescribe by resolution, the manner of appointment and the person to be appointed, therefore the House of Representatives concurring therein.

Resolved, &c., &c., for which preamble and resolution they gave an undivided vote again in 1857. See Senate Journal pages 196 and 197. They distinctly avowed that an election of United States Senators by each House, in their separate and independent capacity, was a legal and constitutional manner of electing, and that at the proper time would so proceed to elect United States Senators. This resolution was passed by their undivided vote on the 29th of January, 1857, after the second adjournment of the unauthorized meeting, to which reference has herein before been made, and but six days before its last session, when the present incumbents claim to have been chosen Senators.

The above are substantially the facts and circumstances accompanying and surrounding the pretended election of the setting members, and the chief reliance which they had and have in support of their rights, is the choice of a majority of the two Houses in joint convention.

Your memorialist would earnestly invite the serious considera-



tion of your honorable body to the main points. *First.* Does the Constitution of Indiana provide for a joint convention for the election of United States Senators? *Second.* If so, was this meeting at which the sitting members were chosen, such a constitutional joint convention?

The answer to these questions your memorialist will cheerfully leave with your honorable body, under the light of the facts and circumstances herein detailed.

But aside from the facts herein embodied, your memorialist would further advert to the position assumed by those who contend for the right of the sitting members, on the ground that your honorable body has already acted in the premises, and decide the question at issue in favor of the incumbents. Your memorialist would not question the right of your honorable body to decide any and all questions of this character upon the facts adduced at the time of such decision, for such is the authority conferred upon your honorable body by the organic law of the nation. That you so decide the present question is obvious; but your memorialist would respectfully suggest that the legislative power of Indiana was, at the time you so decide, as fairly and fully before your honorable body, protesting against the right of the sitting members to admission as her Senators, as that legislative power was then demanding such admission.

A majority of the House of Representatives, but not a quorum, and a majority of the Senate of Indiana send to your body two persons whom they call Senators, while a majority of the House of Representatives and a majority of the Senate follow up this action with a solemn protest, declaring the action of the former, outside of and in conflict with the Constitution of this State. This fact, when taken in connection with the provision of the Constitution, which requires two-thirds of each House to constitute a quorum, and in view of the additional facts, that no resolution for so electing Senators, was ever agreed upon or adopted by both or either of the Houses, appears to the mind of your memorialist conclusive, that the sitting members were not commissioned in accordance with the requirements of the Constitution of the United States, or the will of the Legislature of Indiana. That there were no other claimants contesting the seats awarded to the incumbents, your memorialist regards as a matter of no vital moment, but that such decision, founded only upon what may be regarded as *prima facie* evidence should be held as conclusive and a bar to the admission of evidence of a higher character in support of the right of a sovereign State of the Union, to an equitable and constitutional representation in the Senate of the United States is a consequence to which your memorialist cannot assent. At that time it was a question whether the applicants for admission should be allowed the benefit of the evidence presumed from the possession of credentials attested by the seal of the State, without inquiring as to the validity and regulation of such authentication, or



whether such authentication, if indeed it appeared regular, was essential. Now, however, the issue is one of broader and deeper significance, for one of the component independent sovereignties of the Union declares that which has been claimed as her act, never to have been done by her; and respectfully submits the question whether she will be permitted herself to select among her own citizens, the persons whom she chooses to represent her in your branch of the Federal Legislature, or whether unauthorized parties, acting in a revolutionary manner, and in conflict with the organic law, but assuming to act for her in her name and on her behalf, shall be permitted to choose her Representatives. Your memorialist would here express an entire and undiminished confidence in the disposition of your honorable body to carry out and exemplify in all your decisions affecting the rights of States as well as individuals, the spirit contained in the words of the preamble to the Constitution of the United States. In the full assurance that that will predominate in this as in all other important issues, your memorialist apprehends no conflict between the national and State sovereignty, but will cherish to the end the assurance that justice and equity will prevail throughout and eminently characterize the result of the application herein made. With this view of the matter, your memorialist cannot regard as any serious obstacle to an equitable adjustment of her rights, the decision already made in behalf of the incumbent.

That decision was made upon *prima facie* evidence of an inferior order, which now your memorialist comes in her own proper person with the unquestioned and unquestionable authority of an act of her Legislature. Your memorialist fully appreciates the fact that your honorable body is the only tribunal before which such questions can be tried, and that from its decisions there is no appeal, there being above and beyond it no higher or even equal power. But your memorialist would seek no other tribunal, or question the right to exercise of the power in the decision that has been made, but relying on that sense of justice which underlies all of our institutions, but demands in the tribunal of your honorable body a review, or rehearing such as the meanest suitor would not be denied in the highest judicial court known to the laws of the land. It may not be inappropriate for your memorialist to suggest, that any other course on the part of your honorable body might be productive of the most alarming consequences, for if any number of the States of the Union should be so unfortunate as your memorialist as to have conferred upon individuals whom they had not chosen, credentials of election as United States Senators, and your honorable body, upon such credentials, would admit them as members, it would not be a sufficient answer to such States when applying for redress and demanding their rights, that the Senate of the United States had once passed upon the question, and that her power was already exhausted on the subject.

Your memorialist holds to the doctrine that the power lodged in

your honorable body to do justice to and deal equitably with those who delegated to you that power, can never be exhausted, however, often it may have been exercised, until such justice has been done in the most complete and ample manner: any other view of that power would make it an irresponsible independent authority fully armed for vengeance and wrong, but powerless for the accomplishment of those wise and beneficent purposes for which it was established, recognizing in the economy of both State and Federal Government the principle that everything salutary depends upon the consent of the government. Your memorialist cannot regard the argument of a want of power in your honorable body, to review and revise its decisions as at all in harmony with the spirit of our institutions, a consonant with the almost unlimited power delegated to the national Legislature. Such a concession on the part of the several States would be equivalent to a surrender of their rights, without which they would cease to be sovereign powers, and descend to the condition of colonies, wherein they would be compelled to the support of a government in which they would be without representation, with that unfeigned devotion to the Union of these States, which has hitherto marked her ready and willing acquiescence, in the expressed will of the national sovereignty, and which she cherishes the assurance will ever characterize her attachment for its undivided dignity and honor. Your memorialist confidently presents and asks for admission as her legally elected and constitutionally chosen Senators, the persons herein named whose title to the honor and claim to the position, is thus solemnly authenticated by the highest and most august tribunal known to the Constitution of the State of Indiana.

*Resolved*, By the Senate, the House of Representatives concurring therein, that the foregoing memorial, certified by the President and Secretary of the Senate, and by the Speaker and Clerk of the House of Representatives, be and it is hereby directed to be forwarded to the Vice President of the United States, to be by him laid before the Senate of the United States.

The question being on the adoption of the memorial and concurrent resolution.

Mr. Dougherty moved the previous question;  
Which was seconded by the House.

The question being shall the main question be now put?  
It was so ordered.

Messrs. Scott and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton,



Cavins, Clark, Coigrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Rifter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—49.

So the memorial and concurrent resolution were concurred in.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Hunter moved to suspend the order of business and take up the following message from the Senate ;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed

House bill No. 10. A bill establishing a board of sinking fund commissioners, providing for the election and appointment of the officers thereof, and prescribing the powers and duties of said board.

With the following engrossed amendment of the Senate thereto:

In which the concurrence of the House of Representatives is respectfully requested.

Engrossed amendments of the Senate to House bill No. 10.

Amend House bill No. 10 as follows :

Strike from section 7 all in relation to the employment of assistants, being all that part of said section after the word "office."



Add to section 9 "nor shall the salary of the president exceed fifteen hundred dollars per year, nor that of the clerk one thousand dollars per year."

Amend the title by adding "and limiting the salary of the president and clerk of the board."

Mr Hunter moved to concur in the amendments ;  
Which was agreed to.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Firestone,

A petition from sundry citizens of Whitley county, on the subject of licensing stallions.

On motion,  
The petition was referred to the committee on agriculture.

#### RESOLUTIONS.

Mr. Hamilton of Boone, offered the following resolution :

*Resolved*, That the Attorney General of the State of Indiana be positively required to immediately institute suit against Colonel Allen May and his securities, on the debt of \$40,000, due from said May and his securities to the State of Indiana, and that the prosecution of said suit, and the collection of said debt or any judgment thereon, be prosecuted as speedily as possible without any unnecessary delay.

Mr. Edwards moved to refer the resolution to the judiciary committee with instructions to inquire if the resolution proposes the proper remedy, and if not to report what should be done in the premises ;

Which was agreed to.

Mr. Murray moved to suspend the order of business and take up the message of the Senate containing the resolution in regard to going into the election of State officers.

Mr. Dougherty demanded a call of the House.  
Which was ordered.

The Clerk proceeded with the call when the following members answered to their names :

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton

Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion. Nebeker of Warren, Nelson, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—98.

Mr. Nebeker of Warren, moved that the further call be suspended.

On motion by Mr. Lawhead,  
The House adjourned until 2 o'clock, P. M.

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2 O'CLOCK, P. M.

The House met.

The question being on the motion of Mr. Nebeker of Warren, to suspend the further call of the House;

It was not agreed to.

The Clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson,

Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—97.

Mr. Turpie moved that the absentees be sent for ;  
Which was agreed to.

Mr. Murray moved to suspend the further call ;  
Which was not agreed to.

The Clerk continued the call.

Mr. Stiles moved to suspend the further call of the House ;  
Which was not agreed to.

The Clerk again called the absentees.

Mr. Nebeker of Warren, moved to suspend the further call of the House ;  
Which was agreed to.

Mr. Whiteman made his appearance.

Message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has adopted the following resolution :

*Resolved*, That the Senate will, the House concurring therein, proceed to the Hall of the House this day at half past 2 o'clock, for the purpose of electing three Directors of the State Prison, Librarian, Trustee of the Wabash and Erie Canal, State Printer and Agent of State, in order as above stated.

In which the concurrence of the House of Representatives is respectfully requested.

The question being on concurring in the resolution.

Messrs. Stanley and Clements demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Boyd, Branham, Brother-ton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devel, Edwards, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of



Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffers, Johnston, Jones, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Snyder, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Turpie, Whetzel, Whiteman, Wildman and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton Lawhead, Lewis, McLain, Massey, Merrifield, Nelson, Parrett, Row, Shockley, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Usrey, Waterman, Wheeler and Wood—39.

Mr. Austin having paired off with Mr. Newton until Tuesday next 2 o'clock, P. M., was excused from voting.

So the resolution was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Stanfield,

*Resolved*, That the Senate be invited into the Hall of the House in joint convention for the elections under the concurrent resolution of the two Houses, and that seats be provided on the right of the Speaker's chair, for the members thereof.

The hour for the meeting of the joint convention of the two Houses of the General Assembly having arrived, the Senate, preceded by Senator Cravens, President *pro tem.*, appeared in the Hall of the House, where seats were provided for them on the right of the Speaker's chair.

Upon calling the joint convention to order, the President of the Senate announced that the General Assembly were met in joint convention pursuant to a concurrent resolution of both branches thereof, for the purpose of electing three Directors of the State Prison, a State Librarian, a Trustee of the Wabash and Erie Canal, a State Printer and an Agent of State.

Mr. Turpie moved that the joint convention proceed to the election of Directors for the State Prison;  
Which was agreed to.

The President then announced that the joint convention would proceed to choose, by a *viva voce* vote, a Director of the State Prison, to serve as such for the term of four years from the date of his election.

Mr. Turpie nominated Grafton F. Cookerly.

Mr. Edwards nominated Callom H. Baily.

*Those who voted for Grafton F. Cookerly were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Stark, Studabaker, Tarkington and Wallace of the Senate, and

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood of the House of Representatives—74.

*Those who voted for Callom H. Baily were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate, and

Messrs. Baird, Boyd, Boxley, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffëris, Johnston, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Ryerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker of the House of Representatives—70.

Mr. Clements voted for Benjamin Franklin.

Mr. Miller voted for John W. Ray.

Grafton F. Cookerly, having received a majority of all the votes of the General Assembly of Indiana, was declared by the President of the joint convention duly elected one of the Directors of the State Prison, to serve as such for the term of four years from the time of his election.

The President then announced that the joint convention would now proceed to choose, by a *viva voce* vote, a second Director of the State Prison, to serve for the term of four years from the date of his election.

Mr. Turpie nominated Thomas M. Brown.

Senator Murray nominated Nathan Earlywine.

*Those who voted for Thomas M. Brown were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate, and

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clements, Clayton, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood of the House of Representatives—75.

*Those who voted for Nathan Earlywine were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate, and

Messrs. Baird, Boyd, Boxley, Brotherton, Cavens, Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker of the House of Representatives—69.

Mr. Gregory voted for J. D. Thomasson.

Mr. Miller voted for J. D. Kelso.

Thomas M. Brown, having received a majority of all the vote of the General Assembly of the State of Indiana, was declared by the President of the joint convention duly elected one of the Directors of the State Prison, to serve as such for the term of four years from the time of his election.



The President then announced that the joint convention would now proceed to choose a third Director for the State Prison, by a *viva voce* vote, to serve for the term of two years from the date of his election.

Mr. Turpie nominated Samuel H. Buskirk.

Mr. Green nominated Jonathan D. Kelso.

*Those who voted for Samuel H. Buskirk were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate, and

Messrs. Black, Blythe, Bowman, Boyd, Carr, Claypool, Clayton, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wildman and Wood of the House of Representatives—77.

*Those who voted for Jonathan D. Kelso were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate, and

Messrs. Baird, Boxley, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hamilton of Wayne, Harrison, Jefferis, Johnston, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Treadway, Whetzel, Whiteman and Mr. Speaker of the House of Representatives—67.

Samuel H. Buskirk, having received a majority of all the votes given by the General Assembly of the State of Indiana, was declared by the President of the joint convention duly elected one of the Directors of the State Prison, to serve as such for the term of two years from the time of his election.

The President then announced that the join convention would proceed to choose, by a *viva voce* vote, a State Librarian.

Mr. Turpie nominated James R. Bryant.

Senator Murray nominated N. L. Wilson.

*Those who voted for James R. Bryant were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLain, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate, and

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood, of the House of Representatives—74.

*Those who voted for N. L. Wilson, were*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Wagner and Weir, of the Senate, and

Messrs. Baird, Boyd, Boxley, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davidson, Duval, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker, of the House of Representatives—69.

James R. Bryant having received a majority of all the votes cast was declared by the President of the Joint Convention, duly elected State Librarian, to serve as such for the period of two years from the time of his election.

The President then announced that the Joint Convention would proceed by ballot to choose a Trustee for the Wabash and Erie Canal, for the term of two years from and after his election.

Mr. Turpie nominated Richard Raleigh.

Mr. Weir nominated William G. Coffin.

Mr. Clements nominated Gales G. Barton.

The law requiring that the Trustee of the Wabash and Erie Canal should be chosen by ballot,

The President *pro tem*, of the Senate, appointed Senator Murray as teller on the part of the Senate.

The Speaker of the House appointed Mr. Murray, of Elkhart, as teller on part of the House.

The Joint Convention then proceeded to ballot for a Trustee of the Wabash and Erie Canal.

The result of the first ballot was as follows, to-wit :

The total number of votes cast for Richard Raleigh was 69.  
 The total number of votes cast for William G. Coffin was 70.  
 G. G. Barton received 4 votes.  
 A. Peters received one vote.  
 John Baker received one vote.  
 Total number of votes cast was 145.  
 Necessary to a choice, 73.

No person having received a majority of all the votes cast, the Joint Convention proceeded to ballot a second time, which resulted as follows, to-wit :

The total number of votes cast for Richard Raleigh was 72.  
 The total number of votes cast for William G. Coffin was 71.  
 John Baker received one vote,  
 Total number of votes cast was 144.

No person having received a majority of all the votes cast, the Joint Convention proceeded to ballot a third time, which resulted as follows, to-wit :

The total number of votes cast for Richard Raleigh was 72.  
 The total number of votes cast for William G. Coffin was 72.  
 The total number of votes cast was 144.  
 Necessary to a choice, 73.

No one having received a majority of all the votes cast, the Joint Convention proceeded to ballot a fourth time.

On motion by Mr. Blythe, two Democratic tellers were ordered to be added to those already appointed.

The President of the Senate appointed Senator McLean.

The Speaker of the House appointed Mr. Sullivan.

The result of the fourth ballot was as follows, to-wit :



The total number of votes cast for Richard Raleigh was 72.  
 The total number of votes cast for William G. Coffin was 69.  
 Two votes were cast blank.

It being evident that one ballot was lost, 144 members having voted, and only 143 ballots counted.

On motion by Senator Wagner, a new ballot was ordered to be taken.

The result of the fifth ballot was as follows, to-wit:

The total number of votes cast for Richard Raleigh was 71.  
 The total number of votes cast for William G. Coffin was 70.  
 One blank vote.  
 Total number of votes cast was 142.  
 Necessary to a choice, 72.

No one having received a majority of all the votes cast, the Joint Convention proceeded to a sixth ballot, which resulted as follows, to-wit:

The total number of votes cast for Richard Raleigh was 69.  
 The total number of votes cast for William G. Coffin was 69.  
 One blank vote.  
 The total number of votes cast was 139.  
 Necessary to a choice, 71.

No one having received a majority of all the votes cast, there was therefore no election.

Mr. Austin moved that the Joint Convention adjourn until tomorrow morning, 9 o'clock.

Which was not agreed to.

Mr. Murray moved that the Joint Convention adjourn until 7½ o'clock, P. M.

Which was agreed to.

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7½ o'clock, P. M.

The Joint Convention met pursuant to adjournment.

The result of the seventh ballot was as follows, to wit:

The total number of votes cast for Richard Raleigh was 71.

The total number of votes cast for William G. Coffin was 69.

The total number of votes cast was 140.

Necessary to a choice, 71.

Richard Raleigh having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention, duly elected as Trustee of the Wabash and Erie Canal, to serve as such for the term of three years from and after his election.

The President then announced that the Joint Convention would proceed to choose by a *viva voce* vote, a State Printer.

Mr. Turpie nominated John C. Walker.

Senator Murray nominated Berry R. Sulgrove.

*Those who voted for John C. Walker, were*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate, and

Messrs. Blythe, Bowman, Carr, Claypool, Clements, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Skull, Snyder, Stanley, Stinson, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood of the House of Representatives—73.

*Those who voted for B. R. Sulgrove, were*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate, and

Messrs. Baird, Boyd, Boxley, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker of the House—68.

John C. Walker having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention, duly elected State Printer for the term of three years from and after his election.

The President then announced that the Joint Convention would proceed to choose by a *viva voce* vote, an Agent of State.

Mr. Turpie nominated Aquilla Jones.

Mr. Heffren nominated Samuel H. Owens.

Mr. Murray nominated John D. Defrees.

Senator Jones said he was authorized to withdraw the name of Aquilla Jones.

Senator Jones then nominated James A. Cravens.

Senator Slack nominated Daniel C. Stover.

*Those who voted for John D. Defrees, were*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Craven of Madison, Culver, Green, Hendry, Hill, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate, and

Messrs. Baird, Boxley, Cavins, Clark, Comstock, Cotton, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Johnston, Mansfield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker of the House of Representatives—57.

*Those who voted for James A. Cravens, were*

Messrs. Carnahan, Cobb, Conley, Gooding, Hargrove, Jones, Line, Lomax, McLain, Miller, O'Brien, Odell and Wallace of the Senate, and

Messrs. Clayton, Collier, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Jones, Knowlton, Lawhead, Lewis, McLain, Major, Merrifield, Nelson, Prosser, Row, Shields, Shockley, Stanley, Stinson, Summers, Thompson of Madison. Usrey, Waterman, Wheeler and Wood of the House of Representatives—42.

*Those who voted for Daniel C. Stover, were*

Messrs. Fisk, Slack, Studabaker and Williams of the Senate, and



Messrs. Claypool, Clements, Dobbins, Durham, Harney, Hartley, Kelly, Keefer, Kempf, Massey, Parrett, Shull, Snyder, Tebbs and Turpie of the House of Representatives—19.

*Those who voted for Samuel H. Owens, were*

Messrs. Hamilton, Heffren, Jennings Johnston, McClure, Shoemaker and Tarkington of the Senate, and

Messrs. Bowman, Carr and Jordan of the House of Representatives—10.

*Those who voted for William A. Peelle, were*

Messrs. Kinley and March of the Senate, and

Messrs. Colgrove, Davisson, Jefferis, Mellett, Miller and Whiteman of the House of Representatives—7.

*Those who voted for James Montgomery, were*

Messrs. Blythe and Davis of the House of Representatives—2.

Mr. Devol voting for Harvey Hazelrig—1.

Mr. Boyd voting for A. C. Voorhees—1.

Mr. Brotherton voting for William B. Kline.

Whole number of votes cast, 140.

Necessary to a choice, 71.

No person having received a majority of the votes cast, the Joint Convention proceeded to vote by a *viva voce* vote a second time, which resulted as follows, to-wit:

*Those who voted for Mr. Cravens, were*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Studabaker, Tarkington and Wallace of the Senate, and

Messrs. Bowman, Carr, Claypool, Clayton, Collier, Dobbins, Dougherty, Durham, Eastham, Firestone, Gifford, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, and Wood of the House—64.

*Those who voted for John D. Defrees, were*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Wier of the Senate, and

Messrs. Boxley, Cravens, Clark, Comstock, Cotton, Davisson, Devol, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Johnston, Mansfield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker of the House—57.

Messrs. Kinley and March of the Senate, and

Messrs. Baird, Brotherton, Colgrove, Edwards, Jefferis, Mellett, Miller, and Whiteman of the House, voted for W. A. Peelle—10.

Messrs. Jennings, Johnston, Slack and Williams of the Senate, and

Messrs. Clements, Early and Harney of the House, voted for J. C. Stover—7.

Messrs. Blythe and Davis of the House, voted for J. Montgomery—2.

Mr. Boyd of the House, voted for A. C. Voorhees—1.

Whole number of votes cast, 141.

Necessary to a choice, 72.

No person having received a majority of all the votes cast, the President announced that the Joint Convention would proceed to vote a third time by *viva voce* vote, which resulted as follows, to-wit :

*Those who voted for Mr. Cravens, were*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Hefren, Jennings, Jones, Line, Lomaz, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Studabaker, Tarkington, Wallace and Wilson of the Senate, and

Messrs. Bowman, Carr, Clayton, Claypool, Collier, Dougherty, Early, Eastham, Firestone, Gifford, Hamilton of Wayne, Hartley, Jordan, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stinson, Summers, Tebbs, Thompson of Madison, Turpie, Waterman, Wheeler and Wood of the House—59.

*Those who voted for John D. Defrees, were*

Messrs. Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate, and

Messrs. Boxley, Cavins, Clark, Comstock, Cotton, Davisson, Davis, Devol, Fordyce, Gregory, Hall of Grant, Hall of Rush, Harrison, Hunter, Johnston, Mansfield, Murray, Martin, Nebeker of Warren, Nebeker of Vermillion, Parks, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Williams and Mr. Speaker of the House—54.

Messrs. Hill, Kinley and March of the Senate, and

Messrs. Baird, Brotherton, Mellett, Miller, Power and Whiteman of the House, voted for W. A. Peele.

Messrs. Johnston, Slack and Williams of the Senate, and

Messrs. Clements, Dobbins, Harney, Keefer and Kempf of the House, voted for D. C. Stover—8.

Mr. Blythe voted for J. Montgomery, and

Mr. Jones voted for George W. Carr.

Whole number of votes cast, 132.

Necessary to a choice, 67.

No person having received a majority of all the votes cast, the President announced that the Convention would proceed to vote a fourth time by a *viva voce* vote, which resulted as follows, to-wit :

*Those who voted for James A. Cravens, were*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Jeffries, Jennings, Johnston, Jones, Linc, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate, and

Messrs. Bowman, Carr, Claypool, Clayton, Clements, Collier, Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Summers, Tebbs, Thompson of Madison, Turpie, Waterman, Wheeler and Wood of the House of Representatives—68.

*Those who voted for John D. Defrees, were*

Messrs. Bennett, Blair, Bobbs, Brown, Cooper, Cravens, Craven,



Culver, Green, Hendry, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate, and

Messrs. Boxley, Cavins, Clark, Comstock, Cotton, Davis, Duvol, Fordyce, Gregory, Hall of Grant, Hall of Rush, Harrison, Hunter, Johnston, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker of the House of Representatives—52.

*Those who voted for William A. Pcelle, were*

Messrs. Beeson, Conner, Hill, Kinley and March of the Senate, and

Messrs. Baird, Brotherton, Davisson, Mellett, Miller, Power and Whiteman of the House of Representatives—12.

Mr. Edwards voted for Oliver Ormsby—1.

James A. Cravens, having received a majority of all the votes cast by the General Assembly, was declared by the President of the joint convention, duly elected State Agent, to serve as such.

The business for which the joint convention was called together having been transacted, the President declared it adjourned *sine die*.

The Senate then repaired to their chamber.

On motion,

Messrs. Hunter and Harrison were granted leave of absence until Monday evening next.

On motion by Mr. Edwards,

The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }  
January 15, 1859. }

The House met.

The clerk proceeded to read the journal,  
When,

On motion,  
The reading of the journal was suspended, and

Messrs. Carr and Knowlton obtained leave of absence until Wednesday next, and Messrs. Parks, Hamilton of Wayne, Whetzel, Sullivan and Hall of Rush obtained leave of absence until Monday next.

Mr. Snyder moved to suspend the order of business and take up the following resolution offered by Mr. Treadway on Thursday last, making an additional rule to the rules of the House ;  
Which was agreed to.

*Resolved*, That it shall be a standing rule of this House to meet each Monday at 2 o'clock, P. M., and adjourn each Saturday at 11 o'clock, A. M.

The question being on the adoption of the resolution,

Messrs. Murray and Jordan demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boxley, Branham, Brotherton, Clayton, Colgrove, Comstock, Cotton, Davisson, Early, Eastham, Firestone, Gregory, Griffin, Hall of Rush, Hamilton of Wayne, Harney, Hartley, Jefferis, Jones, Keefer, Kelly, Lawhead, Lewis, McLain, Major, Merrifield, Mansfield, Miller, Nelson, Parks, Parrett, Power, Prosser, Ritter, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stiles, Stinson, Sullivan, Tebbs, Thompson of Madison, Treadway, Usrey, Wheeler, Whetzel, Whiteman and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Boyd, Cavins, Clark, Claypool, Collier, Dobbins, Dougherty, Devol, Edwards, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Johnston, Jordan, Massey, Murray, Martin, Nebeker of Vermilion, Nebeker of Warren, Shull, Smith of Perry, Stanley, Summers, Thompson of Elkhart, Turpie, Waterman, Wildman and Wood—29.

So the resolution was adopted.

A message from the Governor, by Mr. Osbourne, executive messenger.

• **MR. SPEAKER :**

I am directed by the Governor to inform the House that he has approved and signed the following bill :

House bill No. 10. An act establishing a board of sinking fund commissioners, providing for the election and appointment of the officers thereof, prescribing the powers and duties of said board, and limiting the salary of the president and clerk of the board.

Mr. Boyd moved to dispense with the further reading of the journal;

Which was agreed to.

Mr. Whiteman moved to suspend the order of business and take up the following message from the Senate and the concurrent resolution contained therein ;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following concurrent resolution thereof, to-wit :

**WHEREAS**, It is recognized as a fundamental principle in the economy of our Government, that representation and taxation are inseparable and mutually dependent upon each other ; **AND**, **WHEREAS**, It is also the inalienable right of the humblest citizen to petition the sovereign power for a redress of grievances, and the duty of such sovereign power to give the petition a respectful hearing, and if not inconsistent with the public welfare to grant the prayer of the petitioner ; **AND WHEREAS**, it is understood that a large and respectable body of the women of Indiana are desirous of presenting in their own persons and in their own behalf, a statement of their views on the above named subjects, and to represent to this General Assembly the disabilities under which they are now placed by the unequal operation of the laws of this State ; therefore,

*Be it Resolved* by the Senate, the House of Representatives concurring therein, that on the 19th day of January, at 2 o'clock, the Senate shall repair to the Hall of the House of Representatives,



then to receive and hear the petition of women as stated in the preamble to this resolution.

In which the concurrence of the House is respectfully requested.

Mr. Dougherty moved to fill the blank by inserting 2 o'clock, P. M.

Which was agreed to.

Mr. Dougherty then moved to concur in the resolution as amended.

Mr. Ritter moved the previous question.  
Which was not seconded.

Mr. Lawhead moved the previous question.  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was so ordered.

The question now being, on concurring in the resolution as amended?

Messrs. Gifford and Jordan demanded the ayes and noes.

*Those who voted in the affirmative were.*

Messrs. Austin, Bowman, Boyd, Boxley, Brotherton, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Dougherty, Devol, Early, Firestone, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Jefferis, Johnston, Jordan, Keefer, Kelly, Lawhead, McLain, Miller, Nebeker of Warren, Nebeker of Vermillion, Parks, Power, Scott, Shockley, Smith of Miami, Snyder, Stanley, Thompson of Elkhart, Treadway, Usrey, Waterman, Whiteman, Wildman and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Branham, Cavins, Claypool, Clayton, Dobbins, Durham, Edwards, Fordyce, Gifford, Gregory, Hamilton of Boone, Hartley, Jones, Lewis, Major, Mansfield, Massey, Merrifield, Murray, Martin, Nelson, Parrett, Prosser, Ritter, Row, Shields, Shull, Smith of Perry, Stiles, Stinson, Summers, Tebbs, Thompson of Madison, Turpie and Wood.—37.

So the resolution was concurred in.

*Ordered,* That the clerk inform the Senate thereof.

The Speaker laid before the House the following communication and accompanying reports from the President of the Bank of the State of Indiana.

OFFICE OF THE BANK OF THE STATE OF INDIANA, }  
January 15th, 1859.

HON. JONATHAN W. GORDON,

*Speaker of the House of Representatives :*

SIR : Herewith please receive and lay before the House the following reports from such of the branches of this Bank as have not sent their annual reports directly to the House.

Yours truly,

J. McCULLOCH, *President.*

The Speaker also laid before the House the following communication and accompanying report from the President of the Bank of the State of Indiana.

OFFICE OF THE BANK OF THE STATE OF INDIANA, }  
Indianapolis, January 11th, 1859.

TO HON. J. W. GORDON,

*Speaker of the House of Representatives :*

DEAR SIR :—Herewith I hand you a statement of the condition of the Bank of the State of Indiana and branches, on the 20th of November, 1858, which I will thank you to lay before the House.

Very respectfully,

J. McCULLOCH, *President.*

Mr. Edwards moved that the reports accompanying the foregoing communication be referred to the committee on banks.

Which was agreed to.

The Speaker laid before the House the following communication from the Superintendent of the Asylum for the education of the Deaf and Dumb.

DEAF AND DUMB ASYLUM, }  
January 15th, 1859.

HON. J. W. GORDON,

*Speaker of the House of Representatives :*

In obedience to a resolution of the House of Representatives,

passed the 12th inst., inviting the Superintendent of this Institution to give an exhibition of the proficiency of the pupils under his care before the members of the General Assembly, and instructing him to report to the House the time and place of holding the proposed exhibition, I hereby respectfully inform the members of the House of Representatives that I shall proceed to give such an exhibition of the proficiency of the pupils under my care, as I may be able, on next Wednesday evening, January 19th, in the Masonic Hall of this city. The exercises will commence at 7 o'clock, P. M. Measures will be taken to secure seats for the members of the Legislature and their friends.

No one will be admitted without a ticket, and no tickets will be given out except to members of the Legislature.

Respectfully submitted,

THOS. MACINTIRE.

The Speaker laid before the House the following communication and the accompanying report from the Superintendent of the Asylum for the Insane.

INDIANA HOSPITAL FOR THE INSANE,  
January 15, 1859 }

HON. J. W. GORDON,

*Speaker of the House of Representatives :*

Please lay before the House the annual report of the Commissioners, Superintendent and Treasurer of the "Indiana Hospital for the Insane," for the fiscal year, ending October 31st, 1858.

Very respectfully,  
JAMES S. ATHON, *Superintendent.*

Mr. Edwards moved to lay the report on the table.

Which was agreed to.

Mr. Stiles obtained the consent of the House and introduced the following bill :

House bill No. 67. A bill relative to the contesting of foreign wills and testaments.

Which was read a first time.

Mr. Stiles moved to suspend the rule and read the bill a second time now.

The ayes and noes being taken under the constitution,



*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Cotton, Davisson, Doblins, Durham, Devol, Early, Edwards, Firestone, For-dyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hartley, Johnston, Jones, Jordan, Keefer, Kelly, Lawhead, Lewis, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Power, Prosser, Ritter, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Wildman and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Dougherty, Turpie and Wood—3.

So the rule was suspended.

The hour of eleven o'clock having arrived, the Speaker, under the standing rule this day adopted, proclaimed the House adjourned until Monday next 2 o'clock, P. M.

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MONDAY, 2 o'clock, P. M. }  
January 17, 1859. }

The House met.

The journal was read and approved.

Mr. Edwards, by unanimous consent, moved that three thousand copies of the report of the trustees, Superintendent and treasurer of the Hospital for the Insane, be printed for the use of the Institution;

Which was agreed to.

Mr. Blythe asked and obtained leave of absence for Mr. Stinson until Monday next.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Scott,

A petition from sundry citizens of Laporte county, on the subject of landlord's liens.

Which,

On motion,

Was referred to the committee on rights and privileges of the inhabitants of the State.

Mr. Brotherton asked and obtained leave of absence for Mr. Hancock until to-morrow evening.

By Mr. Hall of Grant:

A petition signed by sundry citizens of Grant county, on the subject of temperance.

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Branham:

A petition from J. P. Drake and M. G. Bright, in reference to their liabilities to the State as endorsers for Allen May.

Which,

On motion,

Was referred to the committee on the judiciary.

## REPORTS FROM STANDING COMMITTEES.

Mr. Baird, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution of the House, instructing the committee "to inquire into the expediency of enacting a law prohibiting deputy auditors acting as deputy treasurers, and also prohibiting deputy treasurers acting as deputy auditors, and report by bill or otherwise," have had the same under consideration, and instruct me to report back to this House, that, in the opinion of the committee, legislation on the subject is inexpedient.

Which report was concurred in.

Mr. Scott, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution of the House, instructing the committee "to inquire into the constitutionality of the forms and precedents found in the statutes of 1852, both civil and criminal, and report the result of their investigations to this House," have had the same under consideration, and direct me to report the same back to this House and recommend its indefinite postponement.

Which was concurred in.

Mr. Scott, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House Bill No. 8, entitled, "an act to preserve public buildings and to punish persons for unlawfully occupying the same," have had the same under consideration and direct me to report the same back to this House, and recommend that it be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

Mr. Colgrove, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the resolution referring so much of the Governor's message as relates to companies formed for the purpose of detecting horse thieves and other felons, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 68. A bill to repeal an act entitled "an act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers," approved March 9th, 1852.

Which was read a first time and passed to a second reading.

Mr. Colgrove, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 12, entitled, "a bill to prevent the issuing and circulation of un-  
H. J.—9.



authorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency," have had the same under consideration and instruct me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Martin moved to consider the bill as engrossed and that it be read a third time now.

Which was agreed to.

House bill No. 12. A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Braham, Brotherton, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Johnston, Jones, Jordan, Keeter, Kelly, Kempf, Lawhead, Lewis, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parrett, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wildman, Wood and Mr. Speaker—76.

No one voting in the negative.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Baird, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution of the House instructing the committee "to inquire into the expediency of providing by law for the payment of costs in State cases in such cases as said committee may deem proper, and that said committee report by bill or otherwise," have had the same under consideration and instruct me to report the same back to this House,

and that in the opinion of the committee, legislation on the subject is inexpedient.

Which was concurred in.

#### RESOLUTIONS.

On motion by Mr. Johnston,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law relative to divorces so as to require both parties to be residents of this State at least twelve months previous to the application for divorce, and that they report by bill or otherwise.

Mr. Hall of Rush offered the following preamble and resolution :

WHEREAS, a certificate from the Clerk of the Circuit court of Rush county, showing that an allowance was made by Judge Logan at the fall term of the Circuit Court, to T. C. Gilpin as services as Prosecuting Attorney at said term, there being no Prosecutor in attendance, which paper was presented to this House on the 8th of December, and was ordered to be referred to the committee on ways and means, as will be seen by reference to Legislative Sentinel, page 102, therefore,

*Resolved*, That said committee be instructed to inquire into the expediency of making said allowance to said T. C. Gilpin for such services.

Which was agreed to.

On motion by Mr. Murray,

*Resolved*, That the committee on the judiciary be instructed to report a bill repealing so much of the law for the collection of the public revenue of this State as requires the county treasurer to visit the various election precincts for that purpose.

Mr. Collier offered the following preamble and resolution :

WHEREAS, true religion and good morals are the only solid foundations of public liberty, therefore be it

*Resolved*, That the committee on the rights and privileges of the inhabitants of the State, are hereby instructed to inquire into the most effectual means for the suppression of theatrical entertainments, horse racing, gaming, and such other diversions as are pro-

duction of idleness, dissipation and a general depravity of manners, and report by bill or otherwise.

Which was agreed to.

Mr. Snyder offered the following resolution :

*Resolved, First.* That the Auditor of State be requested to report to this House, at his earliest convenience, the amount of fees and mileage paid since the year 1848, for each year up to the present time, and the aggregate of said items of expense during said time, for transporting convicts from the counties of this State, ly-north of the National road to the State's prison at Jeffersonville.

*Second,* What would have been the saving to the State in the last ten years in said item of fees, &c., if convicts had been sent from said counties to a penitentiary located at Logansport.

*Third,* What are the facilities for the erection of a penitentiary at Logansport, and for the profitable employment of hands at that point.

Which was not agreed to.

On motion by Mr. Austin,

*Resolved,* That the joint standing committee on public buildings, be instructed to inquire into the expediency of making an appropriation for the construction of an Artesian well for the better protection of the Insane Hospital from destruction by fire ; also, for the lighting of the same by gas, and report to this House at as early a period as practicable.

On motion by Mr. Lawhead,

*Resolved,* That the committee on township and county business, be instructed to inquire into the expediency of abolishing the township system, and of transferring all township business, as far as practicable, to the county commissioners.

On motion by Mr. Smith of Perry,

*Resolved,* (The Senate concurring,) that a special committee of five be appointed, of whom three shall be of the House and two of the Senate, who shall take the necessary steps to examine and report on the accounts, vouchers and assets connected with the office of Agent of State and the Trustees of the State Prison, prior to the transfer of such assets from the present incumbents to their successors in office.



Mr. Kempf offered the following preamble and resolution :

**WHEREAS**, statistical evidence goes far to prove that a large proportion of the unfortunate inmates of some benevolent institutions are traceable to intermarriage of consanguinity, therefore

*Resolved*, That the superintendents of our benevolent institutions be instructed to ascertain as far as practicable, the names in full of parents of deaf and dumb, blind and insane and idiotic persons ; the place of birth of said parents, their occupation, the number of their children, and how many of these may be either deaf, dumb, blind, insane or idiotic, and what ties of consanguinity may have existed before marriage; and said superintendents be requested to report the result of said investigations to the General Assembly.

Which was agreed to.

Mr. Waterman offered the following resolution :

*Resolved*, That the committee on education be instructed to report a bill to amend the school laws so as to give to the inhabitants of the districts all the power compatible with the general system of common schools.

Mr. Keefer moved to amend as follows :

By striking out the words "be instructed to amend," and inserting "be instructed to inquire into the expediency of amending."

Which was agreed to.

The resolution as amended was then adopted.

Mr. Hartley offered the following resolution :

*Resolved*, That in the opinion of this House we would rather be taxed for the education of the boys, than the ignorance of the men.

Mr. Harney moved to lay the resolution on the table,

Which was not agreed to.

The resolution was then agreed to.

On motion by Mr. Durham,

*Resolved*, That the committee on education inquire into the expediency and constitutionality of so changing the law so as that each county shall retain the funds that may be collected for the purpose of common schools, and be paid out of the county where the same were collected, and report by bill or otherwise.

On motion by Mr. Claypool,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of so amending the constitution as that the Legislature can have the power to abolish the office of Superintendent of Public Instruction, and report by bill or otherwise.

Mr. Nebeker, of Warren, offered the following :

**WHEREAS**, The House, by a resolution, did grant the use of this Hall to a temperance convention, which is to meet on the 18th inst. therefore,

*Resolved*, That when the House adjourn, it will adjourn to meet at 9 o'clock, A. M., on Wednesday.

Which was agreed to.

#### BILLS INTRODUCED.

By Mr. Edwards,

House Bill No. 69. A bill to repeal all general laws now in force providing for the incorporation of bridge companies, and to provide for the incorporation of bridge companies, to authorize to construct in connection with bridges, causeways across low bottoms, collect toll, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters properly connected therewith.

Which was read a first time and passed to a second reading.

By Mr. Griffin,

House Bill No. 79. A bill to make certain appropriations for the purpose of digging and constructing what is known as the Grand Calumet Canal or ditch in Lake county, Indiana, and defining the duty of the swamp land commissioners of Lake county in relation thereto.

Which was read a first time and passed to a second reading.

By Mr. Hall of Rush,

No. 71. A bill defining the qualifications of voters and requiring evidence of residence, and allowing inspectors of elections to examine them when challenged, upon oath.

Which was read a first time and passed to a second reading.

By Mr. Early,

No. 72. A bill to amend sections one and two of an act to provide compensation to the owners of animals killed or injured by

the cars, locomotives, or other carriages of any railroad company in this State, approved March 1, 1853, and to provide for the manner of service of process.

Which was read a first time and passed to a second reading.

By Mr. Johnston,

No. 73. A bill to enable industrious indigent persons who are unable to give security to rent lands.

Which was read a first time and passed to a second reading.

By Mr. Jones,

No. 74. A bill to prohibit the circulation of bank bills of a less denomination than five dollars in this State, and fixing the penalty therefor.

Which was read a first time and passed to a second reading.

By Mr. Black,

No. 75. A bill regulating the interest on money.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Boone,

No. 76. A bill to amend an act entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, approved May 13, 1852.

Which was read a first time and passed to a second reading.

By Mr. Massey,

No. 77. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, and repeal all laws conflicting therewith.

Which was read a first time and passed to a second reading.

Mr. Edwards moved to suspend the order of business and take up bills on their second reading,

Which was agreed to.

A Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution of the House for the appointment of a committee to examine the accounts and vouchers, &c., of the Agent of State and Trustees of the State Prison, prior to their transfer to the newly elected



officers, and that Senators Bobbs and Tarkington are the committee on the part of the Senate.

Messrs. Smith of Perry, Branham and Hunter were appointed by the Speaker the committee on the part of the House.

#### HOUSE BILLS ON SECOND READING.

No. 67. A bill relating to the contesting of foreign wills and testiments.

Was read a second time by its title, and

On motion,

Referred to the committee on the judiciary.

The Speaker appointed Mr. Usrey to fill the vacancy in the committee on affairs of the Town of Indianapolis, caused by the resignation of Mr. Keefer.

The Speaker appointed Mr. Davisson to fill the vacancy in the committee on canal fund, caused by the resignation of Mr. Sherman.

The Speaker appointed the following special committee under the resolution adopted by the House, referring that part of the Governor's message relating to banks to a special committee of one from each congressional district :

Messrs. Sullivan of the 2d district, Clements of the 1st district, Prosser of the 3d district, Hartley of the 4th district, Mellett of the 5th district, Whetzel of the 6th district, Martin of the 7th district, Nebeker of Warren, of the 8th district, Sherman of the 9th district, Wheeler of the 10th district, and Comstock of the 11th district.

The Speaker appointed the following committee under the resolution of the House, referring that part of the Governor's message relating to the rendition of fugitives from justice, to a select committee of one from each Congressional district :

Messrs. Boyd of the 3d district, Davis of the 2d district, Blythe of the 1st district, Robinson of the 4th district, Colgrove of the 5th district, Dougherty of the 6th district, Martin of the 7th district, Stiles of the 8th district, Turpie of the 9th district, Stanley of the 10th district, and Harrison of the 11th district.

The Speaker appointed the following committee under the resolution referring to a select committee of five that part of the Governor's message relating to the failure of the General Assembly of 1857, to provide for the benevolent institutions and the action of the Governor and other officers of State, in regard thereto :

Messrs. Cavins, Hunter, Jefferis, Parrett and Durham.

House bill No. 23. A bill to legalize the commission of justice of the peace issued to J. B. Osborn, Esq., of Jackson county, and also to legalize his acts under it.

Was read a second time and ordered to be engrossed.

House bill No. 24. A bill to regulate the sale of intoxicating liquors, and prescribing penalties for the violation of the same.

Was read a second time.

Mr. Mansfield moved that the bill be referred to a select committee of nine ;

Which was agreed to.

The Speaker appointed Messrs. Merrifield, Stanfield, Blythe, Davis, Harney, Turpie, Jones, Scott and Murray said committee.]

House bill No. 25. A bill to amend the tenth section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved January 9, 1852.

Was read a second time.

Mr. Griffin moved to refer the bill to the committee on the organization of courts of justice.

Mr. Scott moved to amend the motion by referring the bill to the committee on the judiciary ;

Which was not agreed to.

The question then recurring on the original motion ;  
It was agreed to.

Mr. Summers moved that the House do now adjourn ;  
Which was not agreed to.

House bill No. 26. A bill to protect witnesses from insult while on examination before a court or jury.

Was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

House bill No. 27. A bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the powers of such consolidated company.

Was read a second time, and

On motion,

Referred to the committee on roads.

House bill No. 28. A bill providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the Revised Statutes of 1852, and for the publication and recording of depositions heretofore taken or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 29. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act.

Was read a second time.

On motion by Mr. Mansfield,

Referred to the select committee to which House bill No. 24 was referred.

House bill No. 30. A bill to repeal an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein and compensation of judges thereof," approved June 11, 1852.

Was read a second time, and

On motion,

Referred to the committee on organization of courts of justice.

House bill No. 31. A bill to amend the 238th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time.

Mr. Griffin moved to refer to a select committee of five;  
Which was not agreed to.

On motion by Mr. Hamilton, of Boone,  
Referred to the committee on the judiciary.

House bill No. 32. A bill for the redemption of real estate sold on execution or order of sale issued out of any court, and defining the duty of the officer or person selling the same.

Was read a second time, and

On motion,



Referred to the committee on rights and privileges of the inhabitants of the State.

House bill No. 33. A bill to amend section 63 of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Brotherton moved that the House do now adjourn;  
Which was not agreed to.

House bill No. 34. A bill prescribing the manner of empanneling petit jurors, and fixing the number and compensation thereof.  
Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 35. A bill to regulate the sale of spirituous liquors.

Was read a second time.

On motion,

Was referred to the select committee to which House bill No. 24 was referred.

House bill No. 36. A bill to amend the second section of an act entitled "an act to fix the time of holding the circuit courts in the ninth judicial circuit," approved March 1, 1855.

Was read a second time.

On motion,

Was referred to the committee on the organization of courts.

House bill No. 37. A bill to amend section 33 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," so as to provide that no suit against the maker of a written contract, assigned with or without written endorsement, shall be commenced without the county of the maker's residence.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 38. A bill to fix the times of holding and the length of the sessions of the board of township trustees in the several counties of this State, and to repeal section No. 11 of an

act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

House bill No. 42. A bill to amend the 21st section of an act entitled "an act defining misdemeanors, and prescribing punishment thereof," approved June 14, 1852.

Was read a second time.

Mr. Dougherty moved to amend by striking out the words "man and wife" where they occur and inserting "husband and wife;"

Which was agreed to.

Referred to the committee on rights and privileges of the inhabitants of the State.

House bill No. 43. A bill to suppress tippling houses, to punish drunkenness and to regulate the sale, barter and giving away of spirituous and malt liquors, wine and cider, and to repeal all laws inconsistent therewith.

Was read a second time.

Mr. Devol moved to refer the bill to the committee on temperance.

Mr. Hamilton of Boone, moved to refer to a select committee of five.

The question being on referring the bill to the committee on temperance;

It was agreed to.

House bill No. 44. A bill to amend section 3 of article 2 of the Constitution of the State of Indiana.

Was read a second time, and

On motion,

Was referred to the select committee to which House bill No. 13 was referred.

On motion by Mr. Thompson, of Madison,  
The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }  
January 19, 1859. }

The House met.

Mr. Austin moved that the reading of the journal be dispensed with ;

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Griffin,

A petition signed by sundry citizens of Lake county in reference to the Calumet feeder dam ;

Which,

On motion,

Was referred to the committee on swamp lands.

The Speaker laid before the House a petition from the colored citizens of this State ;

Which was,

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

The Speaker laid before the House the following communication and accompanying resolutions from the late State temperance convention :

MR. SPEAKER :

I am instructed to request you to lay before the honorable body over which you preside, the following resolutions of the State temperance convention, held in this place on the 18th instant.

JOHN H. BATTY, *Secretary*.

*Resolved*, That the thanks of this convention be and are hereby tendered to the House of Representatives for the use of their Hall for the session of this convention.

*Resolved*, That the Secretary transmit a certified copy of the foregoing resolution to the House.

REPORTS FROM STANDING COMMITTEES.

Mr Turpie, from the committee on the judiciary, made the following report :



MR. SPEAKER :

The judiciary committee, to whom was referred a resolution of the House instructing the committee to inquire whether so much of the Constitution of the State of Indiana, which says, "no person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust or profit under the State other than a judicial office," precludes justices of the peace from holding any office other than a judicial office during the term for which he may be elected, in the township where he may reside, in the county or in the State, and if these be exceptions, and report their decision to this House, have had the same under consideration and instruct me to report the same back to this House, and recommend that it be laid upon the table.

The report was concurred in, and the resolution laid on the table.

On motion by Mr. Mansfield,  
Mr. Harney was added to the committee on education.

#### RESOLUTIONS.

Mr. Hunter offered the following resolution :

*Resolved*, That the House of Representatives will, the Senate concurring therein, meet the Senate in the Hall of the House of Representatives in joint convention, on this day, at the hour of ten o'clock, A. M., for the purpose of electing, by joint *viva vote*, a President of the Board of Sinking Fund Commissioners, and four commissioners of said Board.

Mr. Turpie moved a call of the House ;  
Which was ordered.

The Clerk proceeded with the call when the following members answered to their names :

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Sullivan, Sum-

mers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker —82.

Mr. Keefer moved to suspend the further call ;  
Which was agreed to.

The question being on the adoption of the resolution of Mr. Hunter ;

It was agreed to.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Row introduced the following resolution :

*Resolved*, That the judiciary committee be requested to inquire into the expediency of enacting a law to provide that no suit shall be brought against the maker or assignee of any written instrument whether with or without indorsement, out of the township in which the maker resides, before justices of the peace.

Which was not agreed to.

On motion by Mr. Sullivan,

*Resolved*, That the committee on temperance be instructed to inquire into the expediency of refraining from further legislation upon the subject of the sale and manufacture of cider and domestic wines, manufactured from the grape, and of attaching a severe penalty for mixing or adulterating any liquors kept for sale, and report by bill or otherwise.

On motion by Mr. Turpie,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law of Probate as to have the clerk dispense with the carrying up of claims for trial except at the instance of the claimant.

Mr. Hancock offered the following resolution :

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the law relative to the distribution of school funds as to give to each school district in a township an equal amount of money.

Which was not agreed to.

On motion by Mr. Lawhead,

*Resolved*, That the Auditor of State be authorized to report to

this House the amount it costs to convey convicts to the State Prison north of the National road for the last two years, at an early day.

Mr. Shull offered the following resolution :

*Resolved*, That the committee on education be instructed to inquire into the expediency of abolishing the township library system and recommend the tax levied for the support of said system to be added to the common school tax, which would increase the present school fund, raised upon the tax duplicate, to one-fourth more, which would materially aid in the payment of teachers for whom the people find so much difficulty in providing.

Which was not agreed to.

Mr. Boyd introduced the following :

WHEREAS, decisions have been made by the Supreme Court against certain portions of the present school law, thereby rendering it so mutilated as to require a change in the present law ; AND WHEREAS, the present uncertain and unsettled condition of our present school system imposes an unusual amount of labor upon the educational committee, therefore be it

*Resolved*, That the committee on education be and they are hereby authorized to employ a clerk for such time as they may deem necessary.

Which was agreed to.

On motion by Mr. Turpie,

*Resolved*, That the judiciary committee be authorized to employ a clerk.

On motion by Mr. Murray,

*Resolved*, That the committee on agriculture inquire into and report whether any law is necessary to check or prevent the spread of the Canada Thistle in this State, and if a law is deemed necessary, to report a bill for that purpose.

On motion by Mr. Wilson,

*Resolved*, That the Superintendent of Public Instruction be, and he is hereby requested to report to this General Assembly the result of his visits into the different judicial circuits of this State, and also the different counties and townships where he has de-



livered lectures upon the subject of common school education, and the probable result of his labors growing out of such lectures.

On motion by Mr. Gordon,

*Resolved*, That the committee on the judiciary be instructed to inquire into the constitutionality of Chapter 59 of the Acts of the General Assembly for the year 1857, and that they report the result of such examination and inquiry to this House without delay.

On motion by Mr. Gordon,

*Resolved*, That the committee on public expenditures be instructed to inquire how much money was annually paid for the services of attorneys for and on behalf of the State, for services now devolved by law on the Attorney General, for the four years next preceding the creation of that office, and how much money per annum has been paid since the creation of that office for services devolved by law upon the same, in addition to the salary of said Attorney General; and said committee keep each year's account separate and apart from each other year; and further, that they report the result of such examination to this House without delay.

On motion by Mr. Hamilton, of Boone,

*Resolved*, That the select committee to whom was referred House bill No. 19, "a bill to prevent the illegal removal of dead bodies from burying grounds, &c.," be requested to report said bill back to this House without further action thereon by said committee.

On motion by Mr. Murray,

*Resolved*, That the committee on education be instructed to inquire into the expediency of reducing the amount of the compensation of Superintendent of Public Instruction, so that it shall not exceed five hundred dollars annually.

The Speaker laid before the House the following communication from Messrs. Morrison and Ray, in reference to a certain claim therein named :

INDIANAPOLIS, January 15th, 1859.

HON. J. W. GORDON,

*Speaker of the House of Representatives :*

SIR:—We beg leave to ask you to give the enclosed account, with the accompanying documents, the proper direction.

16—H. J.

The copies enclosed will, we hope, be sufficiently explanatory and satisfactory. There are,

*First*, The resolution of the Board of Trustees of the Indiana Institute for the education of the blind, retaining the senior member of our firm as attorney of the Board, in the suit then pending against them.

*Second*, Our account for the services, the suit having been determined in their favor.

*Third*, The resolution of the Board requesting that the account be laid before the committee of ways and means, on the ground that "there is no appropriation for meeting said demand."

Very respectfully,

MORRISON & RAY.

On motion,

The communication was referred to the committee on ways and means.

On motion by Mr. Waterman,

*Resolved*, That the committee on the sinking fund be instructed to inquire whether any pledge or contract would be violated by appropriating the interest received on loans of the sinking fund, annually, to the support of common schools, after paying out of said interest the interest on the bank bonds and the expenses of said fund. And if said committee conclude that no pledge would be violated, they are hereby instructed to report a bill accordingly, with or without conditions for the return of said interest, if for any cause it should be needed for the redemption of the bank bonds.

#### BILLS INTRODUCED.

By Mr. Edwards,

No. 78. A bill to regulate the business of insurance companies not incorporated by the State of Indiana, to punish violators of its provisions and to repeal all previous enactments in regard to such companies.

Which was read a first time and passed to a second reading.

By Mr. Stanfield,

No. 79. A bill requiring the county from which a change of venue in a criminal case has been taken, to pay the expenses of such trial to the county in which such trial has been had.

Which was read a first time and passed to a second reading.

By Mr. Dobbins,

No. 80. A bill to provide for sites and places of State houses of refuge for the correction and reformation of juvenile *offenders*, creating a board of commissioners for the same, defining their duties and powers, and those of certain other officers therein named.

Which was read a first time and passed to a second reading.

By Mr. Hunter,

No. 81. A bill to prevent the retailing of spirituous, intoxicating and malt liquors, to provide punishment for a violation thereof; also to provide for the duties, compensation and punishment of officers in relation thereto, and to repeal all former laws on the subject of vending spirituous, intoxicating or malt liquors.

Which was read a first time and passed to a second reading.

By Mr. Mellett,

No. 82. An act to regulate the practice in certain cases appealed to the supreme court.

Which was read a first time and passed to a second reading.

By Mr. Shull,

No. 83. A bill to amend section 7 of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852,

Which was read a first time and passed to a second reading.

By Mr. Hartley,

No. 84. A bill to amend sections 10 and 13 of "an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time and passed to a second reading.

By Mr. Cavins,

No. 85. An act for the relief of Peter Shultz, of Green county, and releasing to him the interest which the State holds in certain lands.

Which was read a first time and passed to a second reading.

By Mr. Parrett,

No. 86. A bill for the relief of Jane Walker.

Which was read a first time and passed to a second reading.



By Mr. Johnston,

No. 87. A bill to amend sections 5, 6, 11 and 18, and to repeal section 8 of an act entitled "an act for the more uniform mode of doing town-ship business."

Which was read a first time and passed to a second reading.

By Mr. Stiles,

No. 88. A bill to amend section 531 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By Mr. Smith of Miami,

No. 89. A bill to amend the third section of "an act to incorporate the town of Peru," approved February 14, 1848.

Which was read a first time and passed to a second reading.

By Mr. Parks,

No. 90. A bill to provide for the election of county prosecuting attorneys, prescribing their duties, defining their power and compensation, and repealing the laws now in force for the election of prosecuting attorneys.

Which was read a first time and passed to a second reading.

By Mr. Brotherton,

No. 91. A bill to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas of certain causes therein named.

Which was read a first time and passed to a second reading.

Mr. Hamilton of Boone, obtained leave and offered the following preamble and resolution :

WHEREAS, General Carey, of the State of Ohio, is now in the city of Indianapolis, therefore be it

*Resolved*, That the use of this Hall be tendered to him this evening and to-morrow evening, to address those who may desire to hear him, on the subject of temperance ;

Which was agreed to.

By Mr. Hancock,

No. 92. A bill to amend the 18th section of chapter 110 of the first volume of the Revised Statutes of 1852, entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, so as to enable township trustees to settle with supervisors on the fourth Monday in March, in place of February.

Which was read a first time and passed to a second reading.

By Mr. Colgrove,

No. 93. A bill to amend the sixth section and the third clause of seventh section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House bills on second reading.*

House bill No. 40. A bill requiring the Auditor of State to pay over money or stocks to the proprietors or stockholders of free banks.

Was read a second time, and

On motion,

Referred to the committee on banks.

House bill No. 41. A bill to amend section 9 of an act entitled "an act providing for the election of clerks of the circuit court, and prescribing some of their duties."

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

The clerk proceeded to read

House bill No. 39. A bill to amend the 37th section of chapter six, 2d vol. Revised Statutes of 1852, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Pending the reading of which the following message was received from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House

to meet in joint convention for the purpose of electing a President of the Board of Sinking Fund Commissioners and four Commissioners thereof, on this day at 10 o'clock, A. M.

On motion by Mr. Hunter,

*Resolved*, That the Senate be invited to attend in the Hall of the House instantler, to proceed to the election of a President and Commissioners of the Board of Sinking Fund Commissioners, and that seats be prepared for them on the right of the Speaker's chair.

Mr. Colgrove moved a call of the House ;  
Which was ordered.

The Clerk proceeded with the call, when the following members answered to their names.

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—90.

Mr. Gifford moved to suspend the further call of the House ;  
Which was agreed to.

The hour for the meeting of the joint convention of the two Houses of the General Assembly having arrived, the Senate, preceded by Senator Cravens, President *pro tem*, appeared in the Hall of the House, where seats were provided for them on the right of the Speaker's chair.

Upon calling the joint convention to order, the President of the Senate announced that the General Assembly were met in joint convention pursuant to a concurrent resolution of both branches thereof, for the purpose of electing a President and four members of the Board of Sinking Fund Commissioners.



The President of the joint convention announced that the convention would now proceed to choose, by a *viva voce* vote, a President of the Board of Sinking Fund Commissioners, to serve as such for the term of four years from the time of his election.

Mr. Smith of Perry, nominated Ebenezer Dumont.

Senator Slack nominated Adison L. Roach.

Senator Steele nominated John S. Newman.

Mr. Murray nominated E. W. H. Ellis.

Mr. Harney nominated M. D. Manson.

*Those who voted for Ebenezer Dumont, were*

Messrs. Anthony, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Hamilton, Hill, Jennings, Jones, Kinley, Lane, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Stevens, Studabaker, Turner, Wagner, Wallace, Weir and Wilson of the Senate, and

Messrs. Baird, Black, Boyd, Boxley, Branham, Brotherton, Cavins, Claypool, Clayton, Coigrove, Collier, Cotton, Davisson, Dougherty, Durham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hartley, Hunter, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman Whetzel, Whiteman, Wildman, Wood and Mr. Speaker of the House of Representatives—98.

*Those who voted for A. L. Roach, were*

Messrs. Carnahan, Hargrove, Johnston, Lomax, McClure, McLain, Shoemaker, Slack, Tarkington and Williams of the Senate, and

Messrs. Blythe, Bowman, Dobbins, Early, Eastham, Johnston, Jordan, McLain, Nelson, Sullivan and Wheeler of the House of Representatives—21.

Messrs. Beeson, Bennett, Cooper and Steele of the Senate, and Messrs. Austin and Treadway of the House of Representatives, voted for John S. Newman—6.

Mr. Thompson of the Senate, and

Messrs. Clark, Murray, Stanfield and Stiles of the House of Representatives, voted for E. W. H. Ellis—5.

Messrs. Clements, Hancock, Harney and Newton of the House of Representatives, voted for M. D. Munson—4.

Mr. Davis of the House of Representatives, voted for J. Brooks.

Total number of votes cast, 135.

Necessary to a choice, 68.

Ebenezer Dumont having received a majority of all the votes cast, was, by the President of the Joint Convention, declared duly elected President of the Board of Sinking Fund Commissioners, to serve as such for the term of four years.

The President announced that the Joint Convention would proceed to choose a member of the Board of Sinking Fund Commissioners.

Senator McLean nominated James Farrington.

Mr. Smith of Perry nominated Parmenter M. Parks.

*Those who voted for James Farrington, were*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Craven, Hill, Johnston, Kinley, McLain, March, Murray, Rice, Robinson, Steele, Thompson, Wagner and Weir of the Senate, and

Messrs. Baird, Boxley, Cavins, Clark, Colgrove, Cotton, Davis, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Jefferis, Johnston, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Stanfield, Stiles, Treadway, Whiteman and Wildman of the House of Representatives—55.

*Those who voted for Parmenter M. Parks, were*

Messrs. Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Hamilton, Hargrove, Jennings, Jones, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Stevens, Studabaker, Turner, Wallace, Williams and Wilson of the Senate, and

Messrs. Austin, Black, Blythe, Bowman, Boyd, Branham, Brother-ton, Claypool, Clayton, Clements, Collier, Davisson, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Nelson, Newton, Parks, Parrett, Prosser, Row, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker of the House of Representatives—82.



Mr. Sullivan of the House of Representatives voted for A. D. Hawkins—1.

Total number of votes cast, 138.

Necessary to a choice, 70.

Parmenter M. Parks, having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention, duly elected as a member of the Board of Sinking Fund Commissioners.

The President announced that the Joint Convention would proceed to choose, by a *viva voce* vote, a second member of the Board of Sinking Fund Commissioners.

Senator Jones nominated John F. Carr.

Mr. Stiles nominated Austin P. Linn.

Mr. Clements nominated James Campbell.

*Those who voted for John F. Carr, were*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Jones, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Stevens, Studabaker, Turner, Wallace and Wilson of the Senate, and

Messrs. Black, Blythe, Boyd, Branham, Brotherton, Cavins, Claypool, Clayton, Collier, Davisson, Dougherty, Durham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker of the House of Representatives—93.

*Those who voted for Austin P. Linn, were*

Messrs. Bennett, Conner, Cooper, Culver, Hill, Kinley, Steele Thompson and Weir of the Senate, and

Messrs. Austin, Boxley, Clark, Colgrove, Cotton, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Jefferis, Mellett, Murray, Sherman, Stanfield, Stiles, Treadway and Wildman of the House of Representatives—26.



*Those who voted for James Campbell, were*

Messrs. Lomax, McClure, Shoemaker, Tarkington and Williams of the Senate, and

Messrs. Bowman, Clements, Dobbins, Eastham, Hancock, Harney, Massey, Sullivan and Summers of the House of Representatives—14.

Senator Johnston voted for W. H. Thornburgh—1.

Mr. Davis of the House, voted for Thomas C. Slaughter—1.

Total number of votes cast, 135.

Necessary to a choice, 68.

John F. Carr having received a majority of all the votes cast, was declared by the President of the Joint Convention duly elected a member of the Board of Commissioners of the Sinking Fund.

The President then announced that the joint convention would proceed to choose, by a *viva voce* vote, a third member of the Board of Sinking Fund Commissioners.

Senator Studabaker nominated Beattie McClelland.

Mr. Johnston nominated William H. Thornburgh.

Mr. Ritter nominated John Witherow.

*Those who voted for Beattie McClelland, were*

Messrs. Anthony, Carnahan, Cobb, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Hill, Jennings, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Turner, Williams and Wilson of the Senate, and

Messrs. Black, Blythe, Bowman, Boyd, Branham, Brotherton, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Davisson, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Griffin, Hall of Rush, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermilion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker of the House of Representatives—102.

*Those who voted for John Witherow, were*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Culver, Kinley, Robinson, Steele, Thompson and Weir of the Senate, and

Messrs. Austin, Boxley, Clark, Cotton, Gregory, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Murray, Ritter, Robinson, Stanfield, Stiles, Treadway and Wildman of the House of Representatives—28.

*Those who voted for William H. Thornburgh, were*

Messrs. Conley and Johnston of the Senate, and

Messrs. Baird, Fordyce, Johnston and Rynerson of the House of Representatives—6.

Total number of votes cast, 136.

Necessary to a choice, 69.

Beattie McClelland, having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention, duly elected a member of the Board of Sinking Fund Commissioners.

The President then announced that the Joint Convention would proceed to choose, by a *viva voce* vote, a fourth member of the Board of Sinking Fund Commissioners.

Mr. Smith of Perry, nominated Joseph V. Bemusdaffer.

Mr. Row nominated Milton Osborne.

Senator Robinson nominated Abel C. Pepper.

*Those who voted for Joseph V. Bemusdaffer, were*

Messrs. Bobbs, Brown, Carnahan, Conley, Conner, Fisk, Hargrove, Hill, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Williams and Wilson of the Senate, and

Messrs. Black, Blythe, Bowman, Boyd, Branham, Brotherton, Claypool, Clayton, Clements, Collier, Davisson, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Fordyce, Gifford, Hall of Rush, Hamilton of Boone, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, Major, Massey, Merrifield, Nelson, Newton, Parrett, Power, Prosser, Row, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker of the House of Representatives—81.

*Those who voted for Abel C. Pepper, were*

Messrs. Anthony, Beeson, Blair, Cobb, Cooper, Cravens, Craven, Gooding, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Thompson of the Senate, and

Messrs. Austin, Baird, Boxley, Cavins, Clark, Colgrove, Cotton, Edwards, Gregory, Griffin, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Rynerson, Scott, Whiteman and Wildman of the House of Representatives—45.

*Those who voted for Kluye G. Shryock, were*

Messrs. Bennett, Culver and Thompson of the Senate, and  
Messrs. Hall of Grant, Stiles and Treadway of the House of Representatives—6.

*Those who voted for James Montgomery, were*

Messrs. Davis and Stanfield of the House of Representatives—2.

Mr. Murray of the House voted blank.

Total number of votes cast, 135.

Necessary to a choice, 68.

Joseph V. Bemusdaffer, having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention, duly elected a member of the Board of the Sinking Fund Commissioners.

The President of the joint convention then announced that the business for which they had convened was concluded and declared the Joint Convention adjourned *sine die*.

The Senate then retired to their Chamber.

On motion by Mr. Boyd,  
The House adjourned until 2 o'clock, P. M.



2 O'CLOCK, P. M.

The House met.

Mr. Prosser, by consent of the House, introduced the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of this House instantler, to hear the petition of the women, pursuant to a concurrent resolution of both Houses of the General Assembly, heretofore adopted; and that seats be prepared for them on the right of the Speaker's chair.

Which was agreed to.

Mr. Whiteman moved a call of the House;  
Which was not agreed to.

The hour having arrived which the General Assembly had fixed for hearing the petition of certain of the women of Indiana, on the subject of the rights of the women of the State, the Senate, preceded by their President, came into the Hall of the House.

Mr. Cravens, President of the Joint Convention, upon taking the chair announced that the Legislature had met in joint convention pursuant to a concurrent resolution of the two Houses thereof, for the purpose of hearing a petition presented by certain women of Indiana in person, on the subject of the rights of the women of this State.

The President then introduced to the convention Mrs. Mary F. Thomas, who read and presented to the General Assembly a petition signed by a number of the citizens of the State of Indiana, asking the Legislature to grant to women the same rights in property as men, and also the right of suffrage.

The President then declared the joint convention adjourned.

Whereupon the Senate retired to their Chamber.

Mr. Murray moved that the House resolve itself into committee of the whole, with the petition of the women under consideration;

Which was agreed to.

The House accordingly resolved itself into committee of the whole, with Mr. Murray in the chair.

After being in session some time the committee rose and made the following report through their chairman, Mr. Murray:

MR. SPEAKER:

The committee of the whole House, to whom was referred the petition of the women in regard to women's rights, have had the same under consideration, and have directed me to report that they recommend it be made the special order of the day for Friday next, at 2 o'clock.

The report was concurred in.

On motion by Mr. Lawhead,  
The House adjourned until to-morrow morning, 9 o'clock.

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THURSDAY MORNING, 9 o'clock, }  
January 20, 1859. }

The House met.

Mr. Royd moved to dispense with the reading of the journal;  
Which was not agreed to.

The Journal was then read and approved.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Edwards,

A petition from sundry citizens of Vigo county, on the subject of swamp lands.

On motion,  
The petition was referred to the committee on swamp lands.

By Mr. Nebeker of Warren,

A petition from sundry citizens of West Lebanon, Warren county, on the subject of temperance.

On motion,  
The petition was referred to the committee on temperance.

By Mr. Jefferis,

A petition from sundry citizens of Wayne county, on the subject of the game law.

On motion,  
The petition was referred to the committee on the rights and privileges of the inhabitants of this State.

By Mr. Murray,

A petition from P. F. Davis, of Elkhart county, on the subject of the game law.

On motion,  
The petition was referred to the committee on rights and privileges of the inhabitants of the State.

By Mr. Clements,

A petition signed by Charles E. Smith, in regard to a certain claim therein specified ;

Which,

On motion,  
Was referred to the committee on claims.

By Mr. Griffin,

A petition from Ira O. Dibble, of Lake county, claiming damages for certain swamp lands injured by draining

Mr. Griffin moved to refer the petition to the committee on swamp lands.

Mr. Boyd moved to amend the motion by referring the petition to the committee on claims ;

Which was not agreed to.

The petition was then referred to the committee on swamp lands.

By Mr. Murray,



A petition signed by Charles W. Seely, in reference to a certain claim therein mentioned ;

Which,

On motion,

Was referred to the committee on claims.

By Mr. Murray,

A petition signed by Joel Ellis, in regard to a certain claim therein set forth.

Mr. Edwards moved to dispense with the reading and to refer the same to the committee on the judiciary ;

Which was agreed to.

Mr. Boyd moved to suspend the order of business and take up the orders of the day ;

Which was agreed to.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 39. A bill to amend the 37th section of chapter six, 2d volume Revised Statutes of 1852, "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a second time.

On motion,

Referred to the committee on the rights and privileges of the inhabitants of this State.

House bill No. 47. A bill to provide for the organization of circuit courts, the election of judges thereof, defining their powers and duties, and the jurisdiction of said courts, and fixing the salaries of said judges and the number of terms of said courts, and providing for adjourned terms of said courts, and transferring the probate business of the common pleas court to the circuit court, and repealing all former laws on the subject.

Was read a second time.

Mr. Hamilton of Boone, moved to refer the bill to the committee on the organization of courts of justice, with the following instructions :

To amend so as to establish times or days at the beginning of each term, for making up issues, at which time no jury shall be summoned to attend ;

Which was agreed to.

House bill No. 45. A bill to provide for perpetuating of the record of surveys of lands in the different counties of this State.

Was read a second time, and

On motion,

Referred to the committee on organization of courts of justice.

House bill No. 46. A bill to repeal an act entitled "an act to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1855.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 48. A bill to amend the 6th section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

House bill No. 49. A bill to authorize the board of commissioners of the several counties through which the Michigan road runs to reduce the width of the same.

Was read a second time, and

On motion,

Referred to the committee on roads.

House bill No. 50. A bill to amend the 31st section of "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties.

Was read a second time, and

On motion,

Referred to the committee on roads.

House bill No. 51. A bill to amend the third section of an act entitled "an act containing several provisions regarding landlords and tenants, lessors and lessees," approved May 20, 1852.

Was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

House bill No. 52. A bill to provide for the election and qualification of assessors, and prescribing a part of their duties.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

House bill No. 53. A bill to amend the 14th section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 14, 1852.

Was read a second time, and

On motion,

Referred to the committee on roads.

House bill No. 54. A bill to prohibit clerks and deputy clerks of the Supreme, Circuit and Common Pleas Courts from practicing as attorneys or counsellors at law in the courts of which they are clerks or deputy clerks, declaring it to be a misdemeanor for the clerks of the Circuit and Common pleas Courts to refuse to issue summonses and other writs in certain cases, and defining the penalty therefor.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 55. A bill giving clerks of the several circuit courts of this State probate jurisdiction, and defining their powers and duties therein, and fixing their compensation therefor, and to prohibit clerks and their deputies practicing law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act.

Was read a second time and

On motion,

Referred to the committee on the organization of courts of justice.

House bill No. 56. A bill to repeal an act entitled "an act to establish courts of common pleas, and defining the jurisdiction of, and duties of, and providing for the judges thereof," approved June 17, 1852.

Was read a second time, and

On motion,

Referred to the committee on the organization of courts of justice.

House bill No. 57. A bill to amend the 74th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 17, 1852.

Was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.



House bill No. 58. A bill to require the Governor to make his requisition for the apprehension and delivery up of fugitives from justice.

Was read a second time, and

On motion,

Referred to the select committee to whom was referred that portion of the Governor's message touching the rendition of fugitives from justice.

House bill No. 59. A bill to extend to borrowers of sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund and other funds, time of payment of loans, and prescribing the duties of the proper officers in regard thereto.

Was read a second time, and

On motion,

Referred to the committee on trust funds.

House bill No. 61. A bill to regulate the retailing of spirituous and intoxicating liquors, to suppress the evils arising therefrom, fixing penalties for violations of the law, and declaring certain contracts void.

Was read a second time, and

On motion,

Was referred to the select committee to which was referred House bill No. 24.

House bill No. 62. A bill to amend section 3 of an act entitled 'an act to provide for the election, and prescribing certain duties of recorder,' approved May 31, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 63. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same.

Was read a second time, and

On motion,

Referred to the committee on temperance.

House bill No. 64. A bill to prevent the killing or destruction of wild game within the periods therein described, providing penalties for violations thereof, and repealing all laws in conflict therewith.

Was read a second time.

Mr. Merrifield moved to amend the 4th section by striking out the "first of January," and inserting "first of March ;"

Which was agreed to.

On motion,

The bill was then referred to the committee on the rights and privileges of the inhabitants of the State ;

Mr. Hamilton of Boone moved to resume the regular order of business.

Which was not agreed to.

House bill No. 65. A bill to amend section 4 of an act entitled "an act concerning interest on money," approved May 27, 1852, so as to allow the recovery of principal and legal interest.

Was read a second time and

On motion,

Referred to the committee on the right and privileges of the inhabitants of the State.

House bill No. 66. A bill to regulate the business of Insurance Companies incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all previous enactments in regard to such companies.

Was read a second time, and,

On motion,

Referred to the committee on the judiciary.

House bill No. 68. A bill to repeal an act entitled "an act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers," approved March 9th, 1852.

Was read a second time.

Mr. Griffin moved to refer the bill to the committee on rights and privileges of the inhabitants of the State ;

Which was not agreed to.

Mr. Wildman moved to refer the bill to a select committee of five ;

Which was agreed to.

The Speaker appointed Messrs. Wildman, Waterman, Wheeler, Murray and Firestone said committee.

House bill No. 69. A bill to repeal all general laws now in force providing for the incorporation of bridge companies, and to provide for the incorporation of bridge companies, to authorize them to construct in connection with bridges, causeways across low bottoms, collect toll, prescribe their powers and rights and the

manner in which they shall exercise the same, and to regulate such other matters properly connected therewith.

Which was read a second time, and

On motion,

Referred to the committee on corporations.

On motion by Mr. Hartley,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met.

#### HOUSE BILLS ON SECOND READING.

House Bill No. 70. A bill to make certain appropriations for the purpose of digging and constructing what is known as the Grand Calumet Canal or ditch in Lake county, Indiana, and defining the duty of the swamp land commissioners of Lake county in relation thereto.

Which was read a second time, and

On motion,

Referred to the committee on swamp lands.

No. 71. A bill defining the qualifications of voters and requiring evidence of residence, and allowing inspectors of elections to examine them when challenged, upon oath.

Which was read a second time, and

On motion,

Was referred to the committee on elections.

No. 72. A bill to amend sections one and two of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, approved March 1, 1853.

Which was read a second time, and

On motion,

Referred to the committee on corporations.

No. 73. A bill to enable industrious indigent persons who are unable to give security to rent lands.

Which was read a second time, and

On motion,

Was referred to a select committee of five.



The Speaker appointed Messrs. Johnston, Hamilton of Boone, Harney, Fordyce and Robinson said committee.

No. 74. A bill to prohibit the circulation of bank bills of a less denomination than five dollars in this State, and fixing the penalty therefor.

Which was read a second time.

Mr. Jones moved to refer the bill to a select committee of five.

Mr. Hamilton of Boone moved to amend by referring the bill to the committee on banks.

Which was agreed to.

No. 75. A bill regulating the interest on money.

Which was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Dougherty moved to reconsider the vote by which House bill No. 74 was committed to the committee on banks.

Which was agreed to.

Mr. Hamilton of Boone, by consent of the House, withdrew his motion.

Mr. Clements moved to amend the motion of Mr. Jones, by referring the bill to the committee on the judiciary;

Which was not agreed to.

The question recurring on the motion to refer the bill to a select committee of five,

It was agreed to.

The Speaker appointed Messrs. Jones, Dougherty, Turpie, Blythe and Hunter said committee.

No. 76. A bill to amend an act entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, approved May 13, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 77. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, and repeal all laws conflicting therewith.

Was read a second time.

Mr. Dougherty moved to refer the bill to the committee on roads with the following instructions:

So to amend the first section as that supervisors shall receive for their sole compensation, a credit for work on roads for one year succeeding their term of service;

Which was agreed to.

Mr. Hamilton of Boone, offered the following additional instructions:

Amend the ——— section so as to allow each voter at such election to vote for the supervisor in the road district which such voter resides, and no other;

Which was agreed to.

Mr. Murray submitted the following additional instructions:

Amend so as to equalize the amount of credit for work done, with the amount to be sued for;

Which was not agreed to.

Mr. Gifford submitted the following additional instructions:

Amend, in its appropriate place, so as to allow the supervisor to pay the hands he may be required to employ, to labor on the public highway, the same wages which are charged to persons who fail or neglect to work according to law on the public highways;

Which was not agreed to.

No. 78. A bill to regulate the business of Insurance Companies not incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all previous enactments in regard to such companies;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 79. A bill requiring the county, from which a change of venue in criminal cases has been taken, to pay the expenses of such trial to the county in which such trial has been had;

Was read a second time and ordered to be engrossed.

No. 80. A bill to provide for sites and places of State houses of refuge for the correction and reformation of juvenile offenders, creating a board of commissioners for the same, defining their duties and powers, and those of certain other officers therein named;

Was read a second time, and

On motion,

Referred to the committee on benevolent institutions.

No. 81. A bill to prevent the retailing of spirituous, intoxicating and malt liquors, to provide punishment for a violation thereof; also to provide for the duties, compensation and punishment of officers in relation thereto, and to repeal all former laws on the subject of vending spirituous, intoxicating or malt liquors;

Was read a second time, and

On motion,

Referred to the committee on temperance.

No. 82. A bill to regulate the practice in certain cases appealed to the supreme court;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 83. A bill to amend section seven of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852;

Was read a second time, and

On motion by Mr. Shull,

The bill was referred to a select committee of five.

The Speaker appointed Messrs. Shull, Clements, Blythe, Mellett and Griffin said committee.

No. 84. A bill to amend section ten and thirteen of "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 85. A bill for the relief of Peter Shultz, of Greene county, and releasing to him the interest which the State holds in certain lands;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 86. A bill for the relief of Jane Walker;

Was read a second time, and

On motion by Mr. Parrett,

The bill was referred to a select committee of five.

The Speaker appointed Messrs. Parrett, Sullivan, Stinson, Martin and Cavins said committee.

No. 87. A bill to amend section five, six, eleven and eighteen,



and to repeal section eight of an act entitled "an act for the uniform mode o' doing township business," approved May 6, 1852,

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 88. A bill to amend section 531 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 89. A bill to amend the third section of "an act to incorporate the town of Peru; approved February 14th, 1848.

Was read a second time, and

On motion,

Referred to the committee on corporations.

No. 90. A bill to provide for the election of county prosecuting attorneys, prescribing their duties, defining their powers and compensations, and repealing the laws now in force for the election of prosecuting attorneys;

Was read a second time.

Mr. Parks moved to refer the bill to the committee on the organization of courts of justice, with instruction to amend by striking out all which refers to prosecutors in the circuit courts, and the fees therein;

Which was agreed to.

No. 91. A bill to provide for the transfer from justices of the peace to the circuit courts, or courts of common pleas of certain causes therein named;

Was read a second time, and

On motion,

Referred to the committee on the organization of courts of justice.

No. 92. A bill to amend the 18th section of chapter 110 of the first volume of the Revised Statutes of 1852, entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, so as to enable township trustees to settle with supervisors on the fourth Monday in March in place of February;

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 93. A bill to amend the sixth section and the third clause of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

On motion by Mr. Jefferis,

The House adjourned until to-morrow morning, 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
January 21, 1859. }

The House met.

The Clerk proceeded to read the journal,

When,

On motion by Mr. Boyd,

The further reading was dispensed with.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Cotton,

A petition signed by M. Hume and others, on the subject of temperance.

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Davidson,

A petition signed by sundry inhabitants of Kosciusko county, praying a modification of the interest law.

On motion,

The petition was referred to the committee on the rights and privileges of the inhabitants of this State.

By Mr. Whetzel,

A petition from W. E. Tansey in relation to a certain claim therein named.

On motion,  
The petition was referred to the committee on claims.

By Mr. Scott,

A petition signed by Wm. H. H. Whitehead relative to a certain claim therein set forth.

On motion,  
The petition was referred to the committee on claims.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Mellett made the following report from the committee on the judiciary :

**MR. SPEAKER :**

The judiciary committee to whom was referred House bill No. 32, entitled "a bill to amend section sixty-three of an act entitled, 'an act defining misdemeanors and prescribing punishments therefor, approved June 14th, 1852,'" have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

Which was concurred in and the bill indefinitely postponed.

Mr. Mellett from the committee on the judiciary made the following report :

**MR. SPEAKER :**

The judiciary committee to whom was referred House bill No. 19 entitled, "a bill prohibiting any officer or officers, clerk, deputy, employee or agent of any officer or officers, having in charge, or under their control in any manner any of the public funds of this State, or of any county or township of this State, from making any false record or fraudulent entry concerning the same knowingly, or from embezzling any part thereof, and declaring the same a felony, and providing a penalty therefor," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Blythe, from the committee on the judiciary, made the following report :



MR. SPEAKER:

The judiciary committee, to whom was referred a resolution of the House requesting them "to inquire into the expediency of so amending the law relating to the evidence of parties as to allow parties to swear to their book accounts, and report by bill or otherwise," have had the same under consideration and instruct me to report back that in the opinion of the committee legislation on the subject is inexpedient.

The report was concurred in.

Mr. Blythe, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 14, entitled "a bill amending section fourteen of an act entitled "an act providing for the election of justices of the peace and defining their jurisdiction, powers and duties in civil cases, approved June 9th, 1852," have had the same under consideration and instruct me to report the same back to this House and recommend that it be laid upon the table.

Which was concurred in, and the bill laid on the table.

Mr. Blythe, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 34, entitled "a bill prescribing the manner of empanneling petit jurors, and fixing the number and compensation thereof," have had the same under consideration, and instruct me to report the same back to this House, recommending that section four be stricken out and the title of the bill amended in conformity therewith and that the bill so amended be passed.

The report was concurred in, the amendments adopted and the bill ordered to be engrossed.

Mr. Stanfield, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 9. To amend section 202 of "an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and provide for the administration of justice in a uniform mode of

pleading and practice without distinction between law and equity, approved June 18, 1852, so as to authorize co-plaintiffs and co-defendants to testify in certain cases and also to allow defendants to testify in certain cases, brought by assignees where the assignee testifies," have had the same under consideration and directed me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Griffin, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 22, entitled a bill to amend the first and third sections of an act approved May 27, 1852, entitled an act concerning interest on money, have had the same under consideration, and instruct me to report the same back with the following amendment :

Strike out all after the enacting clause and insert the following, to-wit :

That section one of the above recited act, which reads as follows, to-wit :

*Be it enacted by the General Assembly of the State of Indiana,* Interest upon the loan or forbearance of money, goods or things in action, shall be at the rate of six dollars a year upon one hundred dollars, and no greater rate of interest shall be taken directly or indirectly, but it may be taken yearly or for any shorter period in advance if so expressly agreed, be and the same is hereby amended to read as follows, to-wit :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* Interest upon the loan or forbearance of money, goods or things in action, shall be at the rate of six dollars a year upon one hundred dollars, unless a greater rate of interest be agreed upon by the parties, and that such agreement be reduced to writing and signed by the party to be charged therewith; *Provided,* That it shall not be lawful to contract for a greater rate of interest than ten dollars a year upon one hundred dollars, and no greater rate of interest shall be taken directly or indirectly, but it may be taken yearly or for any shorter period in advance if so expressly agreed.

Mr. Scott moved to recommit the bill and accompanying report to the same committee ;

Which was agreed to.

Mr. Merrifield, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on rights and privileges, to which was referred House bill No. 16, have had the same under advisement, and instructed me to report the same back with the following amendment:

In the second line strike out "32d" and insert "one," to the title of said bill prefix the following words: "An act to amend an act entitled," and when so amended they recommend the passage thereof.

Mr. Austin moved to lay the report and bill on the table;  
Which was agreed to.

Mr. Stanfield, from the committee on rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on rights and privileges of the inhabitants of this State, to whom was referred House bill No. 65, to amend section four of an act entitled "an act concerning interest on money," approved May 27, 1852, be so amended as to allow the recovery of principal and legal interest on contracts for more than legal interest, have had the same under consideration, and directed me to report the same back and recommend its passage.

The question being on engrossing the bill.

Mr. Nebeker of Warren, moved to make the bill and the whole subject of interest the special order of the day for Wednesday next at two o'clock, P. M.

Which was agreed to.

Mr. Brotherton, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of this State to whom was referred House bill No. 39, a bill to amend the thirty-seventh section of "an act defining misdemeanors and prescribing punishment therefor, approved June 14th, 1852," have had the same under consideration and have directed me to report the bill back and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.



Mr. Nebeker of Warren, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of this State to which was referred House bill No. 20, entitled, "a bill to prevent carrying concealed or dangerous weapons, and to provide punishment therefor," have had the same under consideration and have directed me to report it back and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Parks, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 57, entitled "an act to amend the 74th section of an act defining misdemeanors and prescribing punishment therefor," approved June 17th, 1852, have had the same under consideration and have instructed me to report it back without amendment and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Massey, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 7, entitled, "a bill supplemental to an act concerning interest on money," approved May 27, 1852, and providing for a conventional rate of interest, have had the same under consideration, and instruct me to report the same back and recommend that it lay on the table.

Which was concurred in and the bill laid on the table.

Mr. Baird, by consent, made the following report from the judiciary committee.

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 15, being "an act amending the law in regard to the exemption of property on execution," have had the same under consideration,

and instructed me to report the following substitute therefor and recommend its passage, and that the original bill lie upon the table.  
Which was concurred in.

No. 94. A bill supplemental to an act entitled, "an act to exempt property from sale in certain cases," approved February 17th, 1852, contained in the foregoing report.

Which was read a first time and passed to a second reading.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Kempf, from the select committee to which was referred House bill No. 13, "a bill to amend the second section of article second of the constitution of the State of Indiana, so as to confine the qualification of an elector to every white male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during six months immediately preceding such election, and to vote in the township or precinct wherein he may reside."

And also to whom was referred House bill No. 44, "a bill to amend section second of article second of the constitution of the State of Indiana;" have had the same under consideration and after due deliberation, instruct me to report that said bills coincide both as to language and object, and that the committee favor House bill No. 13, as it has priority in being first introduced.

We deem the amendment which House bill No. 13 proposes, reasonable and just. That portion of section second of article second of the constitution of our State, referred to in the bill, as it now stands, is derogatory to the naturalization laws as adopted by Congress, and we think it unwise and unsafe policy to have local laws conflicting with national laws.

With these views the committee have directed me to report the bill back and recommend its passage.

The committee has also directed me to report back House bill No. 44 and recommend it be laid upon the table.

Mr. Lawhead moved to lay the report and bill on the table.

Messrs. Lawhead and Dougherty demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Collier, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Griffin, Hancock, Harrison, Hartley, Jones, Jordan, Kelly, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Murray, Nelson, Newton, Parks, Parrett, Prosser, Row, Scott, Shields, Shockley, Shull, Snyder, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, and Wood—51.



*Those who voted in the negative were,*

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Comstock, Cotton, Davisson, Davis, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hunter, Jeffries, Johnston, Kempf, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Ritter, Robinson, Rynerson, Sherman, Smith of Miami, Smith of Perry, Stiles, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—42.

So the report and bill were laid on the table.

Mr. Ritter, from a select committee, made the following report :

MR. SPEAKER:

The special committee to whom was referred House bill No. 17, 'a bill to prevent the illegal removal of deceased persons or any part thereof from public or private burying grounds, and prescribing penalties therefor,' would report the same back without action, in accordance with the resolution of the House.

Mr. Sullivan moved to amend the bill as follows, to-wit:

Section 2. *Provided*, That nothing herein contained shall be so construed as to prevent physicians or students of medicine from dissecting dead bodies for the purpose of obtaining anatomical, pathological or Physiological knowledge.

Mr. Scott moved to refer the bill and pending amendment to the committee on the judiciary.

Which was agreed to.

Mr. Parrett, from the select committee to whom was referred House bill No. 86, made the following report:

MR. SPEAKER:

The select committee, to which was referred House bill No. 86, entitled "a bill for the relief of Jane Walker," has had the same under advisement, and instructed me to report the same back and recommend its passage;

Which was concurred in and the bill ordered to be engrossed.

Mr. Mellett moved to suspend the order of business in order to receive the report from the clerk of the committee on stationery;

Which was agreed to.

The report was then received and read.

H. J.—12.



A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed a joint resolution of the House of Representatives.

Joint resolution No. 8. A joint resolution creating a joint committee to whom shall be referred petitions, &c., on agriculture and geological surveys, and Messrs. Wagner, Steele, Murray, March, Carnahan and Line have been appointed the committee on the part of the Senate, in pursuance of said resolution.

#### RESOLUTIONS.

On motion by Mr. Edwards,

*Resolved*, That as the Superintendent of the Institute for the Blind, gave at the called session an exhibition of the proficiency of the pupils under his charge, and as he deems the giving another, as requested, to be inexpedient, that he be excused therefrom.

Mr. Edwards moved to suspend the order of business and take up the message from the Senate containing a concurrent resolution in regard to taking the Legislative Sentinel;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the following resolution, viz:

*Resolved*, That the Doorkeeper be directed to contract with A. E. Drapier & Son, for six hundred copies of Brevier Legislative Reports, of the proceedings and debates of the present General Assembly, after the style of their reports in the Legislative Sentinel; said reports to be made up from some daily newspaper printed in the town of Indianapolis, and laid upon the desks of members as fast as they shall complete sixteen pages in double newspaper column, provided the cost of the same shall not exceed one dollar per copy, the House adopting a similar resolution.

In which the concurrence of the House is respectfully requested.

Mr. Collier moved to amend the resolution by striking out "six hundred" and inserting "two hundred";

Which was not agreed to.

Mr. Collier moved to lay the whole subject on the table ;  
Which was not agreed to.

The question being on concurring in the resolution.

Messrs. Hamilton of Boone, and Ritter demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Carr, Clements, Davis, Dobbins, Early, Eastham, Edwards, Firestone, Gifford, Griffin, Hancock, Harney, Jefferis, Jordan, Kempf, Lawhead, Massey, Merrifield, Murray, Newton, Parrett, Scott, Shockley, Smith of Perry, Snyder, Stanfield, Sullivan, Tebbs, Thompson of Madison, Treadway, Turpie, Wheeler, Whiteman and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Dougherty, Durham, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Johnston, Jones, Kelly, Lewis, McLain, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Prosser, Ritter, Robinson, Row, Ryner-son, Sherman, Shields, Shull, Smith of Miami, Stanley, Stiles, Summers, Thompson of Elkhart, Usrey, Waterman, Whetzel, Wildman and Wood—55.

So the resolution was not concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Stanfield,

*Resolved,* That a committee of five members of the House be appointed with power to make a full investigation of the condition of the sinking fund, and also to send for persons and papers, and to make such examination of the witnesses as the committee may deem proper and pertinent to such investigation.

Mr. Stiles offered the following resolution :

*Resolved,* That the committee of ways and means be instructed to inquire into the expediency of so amending the appraisement law passed at the special session of the General Assembly, as to extend the time allowed to make the appraisement, and to provide for a State board of equalization.



Mr. Edwards moved to amend by adding the following :

And to provide for an increase of compensation to appraisers.

Mr. Murray moved to lay the amendment upon the table ;  
Which was agreed to.

The question being on the adoption of the resolution.

Mr. Sullivan moved to lay the resolution on the table ;  
Which was not agreed to.

The resolution was then agreed to.

Mr. Lawhead offered the following resolution :

*Resolved*, That the committee on the organization of courts inquire into and report on the expediency of enlarging the common pleas districts ;

Which was not agreed to.

Mr. Gordon offered the following preamble and resolution :

**WHEREAS**, It was declared by the Congress of the United States in the ordinance of 1787, that "religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged ;"

**AND WHEREAS**, The General Government, by an act of Congress passed to enable the people of Indiana to form a Constitution and State Government, donated to the State one entire township of land, in addition to one heretofore reserved for that purpose, for the use of a seminary of learning, and vested the same in the Legislature of the State, to be appropriated solely to the use of such seminary, by the Legislature ;

**AND WHEREAS**, The Constitution of the State has already recognized the duty of maintaining at public charge a system of education extending from common schools to a State University ;

**AND WHEREAS**, Such system has been hitherto at least in some sort and degree supported by the State ;

**AND WHEREAS**, The State University has always been open to the admission of the male sex, and shut against those of the female, whose education is of equal, if not of greater importance to the promotion of "religion, morality and knowledge"—those great prerequisites to good government ;

**AND WHEREAS**, There is nothing in the original grant of the lands out of which the University fund has been derived, indicating that it was the intention of the Congress of the United States to limit the benefit of such grant to the male sex ; nor in the organic law of the State ;



AND WHEREAS, In controvention of the manifest intention of the donors of said seminary lands, and of the rights of one-half of the people of the State, and the highest interest of the whole, children of the female sex have been denied the admission to the University, of which said lands constitute the endowment; therefore be it

*Resolved*, That the committee on education be instructed to inquire into the expediency of erecting a female department of said University, upon University Square, in the town of Indianapolis, (being block No. 25 in the original plat of said town,) either separately or in connection with such other educational buildings as it may be found expedient to erect, or allow to be erected, upon said square; and of admitting to said department of said University, for thirty years, free of charge for tuition, four pupils from each county, and two pupils forever thereafter, to be chosen by the board of commissioners of the several counties, and that said committee report by bill or otherwise as soon as practicable.

Mr. Scott offered the following amendment:

Amend by providing that the building provided for by the resolution be erected in the county of Laporte, provided the citizens of said county will donate for that purpose a suitable site, embracing 40 acres of ground.

Which was not agreed to.

The question being on the adoption of the preamble and resolution.

Messrs. Gordon and Hunter demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Brotherton, Carr, Cavins, Clark, Claypool, Colgrove, Comstock, Cotton, Davisson, Davis, Early, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Jeffers, Johnston, Lawhead, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Newton, Parks, Ritter, Robinson, Ryerson, Scott, Sherman, Shockley, Snyder, Stiles, Waterman, Wheeler, Whetzel, Whiteman and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Branham, Clayton, Collier, Dobbins, Dougherty, Hartley, Hunter, Jones, Jordan, Kelly, Kempf, Lewis, Massey, Nebeker of Vermillion, Nebeker of Warren, Nelson, Row, Shields, Shull, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, and Wood—29.

So the preamble and resolution were agreed to.

On motion by Mr. Edwards,

*Resolved*, That the Superintendent of Public Instruction be, and he is hereby requested to report to this House, the names of the several trustees of the Indiana University, and when their term of service will respectively terminate.

On motion by Mr. Lawhead,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

The Speaker announced the following as the committee on the part of the House, under the joint resolution authorizing a joint committee on the subject of a geological survey of the State, viz:

Messrs. Smith of Perry, Treadway, Stanfield, Dobbins, Lewis, Harrison, Dougherty, Branham and Wildman.

The hour having arrived the House proceeded to consider the

#### SPECIAL ORDER OF THE DAY.

Which was,

A petition from a number of the citizens of the State in regard to granting to women the same rights as are now exercised by men.

On motion by Mr. Branham,

The petition was referred to the committee on the rights and privileges of the inhabitants of this State.

Mr. Shull moved to re-consider the vote taken this morning on the concurrent resolution of the Senate, in regard to taking the Legislative Sentinel.



Mr. Wildman demanded a call of the House.  
Which was ordered.

The Clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harrison, Harney, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Mansfield, Mellett, Merrifield, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Scott, Sherman, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—79.

Mr. Prosser moved to suspend the further call of the House.  
Which was agreed to.

The question being on the motion to reconsider;

Mr. Branham moved to lay the motion on the table.  
Which was agreed to.

On motion by Mr. Turpie,

*Resolved*, That the committee on corporations be instructed to inquire into the expediency of enacting a law compelling all railroad companies in this State to fence their road way, except where the same are crossed by public highways, or where the same traverse the plats of towns and cities—to report by bill or otherwise.

On motion by Mr. Griffin,

*Resolved*, That the Auditor of State be directed to report to this House how much swamp land funds were in the hands or chargeable to the Treasurer of Lake county at his last report, and also to state when that report was made.

On motion by Mr. Hamilton of Wayne,

*Resolved*, That the committee on ways and means be instructed to allow no claims to go into the specific appropriation bill, which shall not have been presented at least ten days before the expiration of the session, unless the claims shall have accrued during the last ten days of the session.



Mr. Merrifield offered the following resolution, viz :

*Resolved*, That the Principal Clerk of this House be and he is hereby authorized and directed to deliver to the Secretary of State the Journals and records of the extra session of this House, commencing November 20th, and ending December 25th, 1858.

Messrs. Ritter and Hunter demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clements, Clayton, Davis, Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Harney, Hartley, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—43.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Boxley, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Row, Scott, Sherman, Smith of Miami, Smith of Perry, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—43.

So the resolution was not agreed to.

Mr. Harney offered the following resolution :

*Resolved*, That upon Tuesday the 25th instant, at 2 o'clock, P. M., this House will go into the committee of the whole House upon the temperance question, and take into consideration all bills upon that subject before the House.

Mr. Hamilton of Boone moved to amend by striking out "Tuesday the 25th," and inserting "Thursday the 27th."

Which was agreed to.

The resolution as amended was then agreed to.

On motion by Mr. Murray,

*Resolved*, That the committee on ways and means inquire into the expediency of making sale of the property of the State in the city of Indianapolis, known as the Governor's residence, in accordance with the repeated suggestions of former Governors.

On motion by Mr. Gifford,

*Resolved*, That the committee on the judiciary be instructed to inquire whether the supervisors of highways are required to include persons of color who are residents of this State, (and not otherwise exempt,) to work on the highways in their several districts, and report the result of their deliberations to this House.

On motion by Mr. Bowman,

*Resolved*, That the committee on county and township business be requested to inquire into the expediency of so amending the thirty-fourth section of an act entitled "an act to provide for the opening, vacating and changing of highways," approved June 17th, 1852, so as to give petitioners the right to determine the width of their proposed township roads.

The Speaker appointed Messrs. Stanfield, Davis, Blythe, Smith of Perry and Branham, the select committee under the resolution of the House adopted this morning.

Mr. Robinson offered the following preamble and resolution :

WHEREAS, there is a great and alarming increase of crime in the State ; AND WHEREAS, a part of said increase may fairly be attributed to the facility with which offenders avoid trial and punishment by being allowed to give merely nominal bail, therefore

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of prescribing by law the least amount of bail that shall be allowed in prosecutions for felonies and that they report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Gordon,

*Resolved*, That the committee on public expenditures be instructed to inquire into what sums of money were audited in favor of Henry Coburn, during the last four years he held the office of Clerk of the Supreme Court, on account of services rendered by him as such clerk, and, also on account of the said Supreme Court, nor including the salary of judges or sheriff thereof, and that they inquire in like manner what sums of money have been audited in favor of the present incumbent from his first induction into office until the present time for services therein, and what sums have been audited during the same time on account of the said Supreme Court, not including the salary of the judges or sheriff thereof, and specifying in each case the particular services on account whereof such sums of money were audited.



On motion by Mr. Gordon,

*Resolved*, That the committee on public expenditures be instructed to inquire and ascertain what sums of money were audited to, or in favor of Joseph A. Wright, as Governor of the State of Indiana, from the first day of November, in the year 1851, till the expiration of his term of office, distinguishing between moneys audited on account of his salary and those connected with the swamp land fund, also moneys audited to him on account of Governor's House and furnishing the same, and on account of garden and all other servant's hire; and, also on every other account, and that they in like manner furnish a similar statement of all moneys audited to or in favor of the Governor from the commencement of his term of office until the present, on account of salary, swamp land fund, House and furnishing the same, for gardener and other servants' hire, and on every other account whatever; and further, that they report the result of such examination to this House without delay.

On motion by Mr. Parks,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of amending the road law so as to allow supervisors of roads, a credit on their road work, on the ensuing or some subsequent year, instead of paying them out of the township funds for extra services as supervisors, and report by bill or otherwise.

Mr. Ritter offered the following resolution.

*Resolved*, That the committee on public expenditures be allowed a clerk.

Messrs. Dougherty and Lawhead demand the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boyd, Branham, Brotherton, Claypool, Colgrove, Collier, Comstock, Cotton, Davisson, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Jefferis, Kelly, Lewis, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Boxley, Carr, Cavins, Clark,



Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harrison, Hartley, Hunter, Jones, Jordan, Kempf, Lawhead, McLain, Massey, Merrifield, Martin, Nelson, Parrett, Prosser, Row, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Wheeler and Wood—45.

So the resolution was not agreed to.

Mr. Clements offered the following resolution :

*Resolved*, That the Doorkeeper be directed to contract with A. E. Drapier & Son, for five hundred copies of Brevier Legislative Reports of the proceedings and debates of the present General Assembly, after the style of their reports in the Legislative Sentinel, said report to be made up from the columns of some daily newspaper printed in the town of Indianapolis, and laid upon the desks of members as fast as they shall complete sixteen pages in double newspaper columns ; *Provided*, The cost of the same shall not exceed one dollar per copy, the Senate adopting a similar resolution.

Mr. Stiles moved to lay the resolution on the table.

Messrs. Hamilton of Boone, and Clements demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Branham, Brotherton, Cavins, Clark, Comstock, Cotton, Davisson, Fordyce, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Whetzel, Wildman and Mr. Speaker—35.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Boyd, Carr, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hancock, Harley, Jefferis, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Murray, Nelson, Newton, Parks, Parrett, Prosser, Scott, Sherman, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whiteman and Wood—56.

So the resolution was not laid on the table.

Mr. Clements moved the previous question,  
Which was seconded by the House.

The question being shall the main question be now put?  
It was so ordered.

The question being on the adoption of the resolution.

Messrs. Hartley and Ritter demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Carr, Clayton, Clements, Collier, Davis, Dobbins, Durham, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hancock, Hartley, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Massey, Merrifield, Murray, Nelson, Newton, Parks, Parrett, Prosser, Scott, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey and Wheeler—45.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davisson, Dougherty, For-  
dyce, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Whetzel, Whiteman, Whildman, Wood and Mr. Speaker—43.

So the resolution was agreed to.

*Ordered,* That the clerk inform the Senate thereof.

On motion,

Mr. Stanfield was granted leave of absence until Tuesday next.

Mr. Cavins moved to reconsider the vote on refusing to adopt the resolution offered by Mr. Ritter to allow the committee on public expenditures to employ a clerk;

Which was agreed to.

The resolution was then agreed to.

On motion by Mr. Austin,

*Resolved,* That the Auditor of State be requested to send in his report for the year 1858, in order that the members of the House may have the benefit of the information contained therein.



## JOINT RESOLUTIONS.

Mr. Shields introduced the following joint resolution :

*Be it resolved by the Senate and House of Representatives of the General Assembly of the State of Indiana, That that part of the English bill, known as the population clause, descriminating as it does in favor of a constitution conceived in fraud—born in perjury and baptized by a wholesale violation of principle—should be repealed, and that we respectfully request all persons in Congress from Indiana to vote for the repeal of this odious clause.*

Mr. Dougherty moved to amend as follows :

Strike out the repealing part of the resolution and insert "that Kansas shall, when applying for admission as a State under a constitution approved by her people, be admitted without regard to the population clause."

Mr. Merrifield moved to lay the joint resolution and pending amendment on the table.

Messrs. Scott and Sherman demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Durham, Early, Eastham, Firestone, Gifford, Hancock, Hartley, Jordan, Kelly, Kempf, Lewis, Major, Merrifield, Nelson, Newton, Parrett, Shockley, Shull, Snyder, Stanley, Sullivan, Sumners, Tebbs, Thompson of Madison, Usrey, Wheeler and Wood—  
34.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Dougherty, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

Messrs. Davis, McLain, Massay and Turpie were in their places and refused to vote.

So the joint resolution was not laid on the table.



Mr. Mellett moved to lay the amendment on the table.

Messrs. Dougherty and Jordan demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Boyd, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Cotton, Comstock, Davisson, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, McLain, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Thompsom of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—~~47~~. 49

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Firestone, Gifford, Hancock, Hartley, Jordan, Kelly, Lawhead, Lewis, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shull Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—~~40~~. 39

So the amendment was laid on the table.

Mr. Mellett moved the previous question ;  
Which was seconded by the House.

The question being, shall the main question be now put ?  
It was so ordered.

The main question being on the adoption of the joint resolution.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Brianham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Waterman, Wheeler, Whiteman, Whildman and Mr. Speaker—~~49~~. 48

*Shields,  
Resolution*

*Those who voted in the negative were,*

Messrs. Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Early, Eastham, Firestone, Gifford, Hancock, Hartley, Jordan, Kelly, Kempf, Lewis, McLain, Merrifield, Nelson, Parrett, Prosser, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Dhompson of Madison and Wood—29. 80

Messrs. Black, Blythe, Boyd, Davis, Dougherty, Durham, Lawhead, Masser, Newton, Turpie and Wheeler were in their seats and refused to vote—11.

So the joint resolution did not pass for the want of a constitutional majority.

Mr. Davis offered the following joint resolution:

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed and our Representatives be requested to vote for the admission of Kansas into the Union as a State, without regard to population, so soon as the people thereof shall desire the same under a Republican Constitution adopted by a majority of the people of said Territory.

*Resolved,* That the Governor be requested to forward a copy of the foregoing joint resolution to each of our Senators and Representatives in Congress.

Mr. Jordan moved to amend as follows:

Believing that she now has, or will have before her people can form a constitution and apply for admission, a population sufficient to entitle her to admission under the English bill.

Mr. Davis moved to lay the amendment on the table.

Mr. Mellett moved to amend the motion by laying the joint resolution and pending amendment on the table.

Messrs. Davis and Jordan demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boxley, Brotherton, Clayton, Clements, Colgrove, Comstock, Cotton, Davisson, Early, Eastham, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Jefferis, Kempf, McLain, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Snyder, Stiles, Sullivan, Thomp-



son of Elkhart, Treadway, Turpie, Whetzel, Whiteman and Wildman—47.

*Those who voted in the negative were,*

Messrs. Blythe, Boyd, Branham, Carr, Cavins, Clark, Claypool, Collier, Davis, Dobbins, Dougherty, Durham, Firestone, Gifford, Gregory, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Lawhead, Lewis, Massey, Merrifield, Murray, Nelson, Newton, Parrett, Row, Shockley, Snyder, Stanley, Summers, Tebbs, Thompson of Madison, Usrey, Waterman, Wheeler, Wood and Mr. Speaker—41.

So the motion prevailed.

Mr. Dougherty introduced the following joint resolution :

*Be it resolved by the Senate and House of Representatives, That our Senators in Congress be instructed and our Representatives be requested to vote for the admission of Kansas into the Union either as a free or slave State as her people may determine, with a constitution approved by her people, and without regard to population, and that the Governor be instructed to transmit a copy thereof to each of said Senators and Representatives.*

Mr. Dougherty demanded the previous question ;  
Which was seconded.

The question being, shall the main question be now put ?  
It was so ordered.

On motion by Mr. Austin,  
The House adjourned until to-morrow morning, 9 o'clock.

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SATURDAY MORNING, 9 o'clock, }  
January 22, 1859. }

The House met.

The Clerk proceeded to read the Journal,  
When,

On motion by Mr. Dobbins,  
The further reading was dispensed with.



Mr. Murray moved a call of the House.  
Which was ordered.

The Clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Eastham, Edwards, Firestone, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hancock, Hartley, Jeffries, Johnston, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Robinson, Row, Scott, Sherman, Shields, Shockley, Shu'l, Smith of Miami, Snyder, Stanley, Summers, Tebbs, Thompson of Elkhart, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—71.

Mr. Murray moved to suspend the further call.  
Which was agreed to.

Mr. Carr obtained leave and introduced Joint Resolution

No. 13. A Joint Resolution relative to the construction of a new canal at the falls of the Ohio river.

Which was read and the question being, shall the Joint Resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hancock, Hartley, Jefferis, Johnston, Jones, Jordan, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—73.

No one voting in the negative.

So the Joint Resolution passed.

*Ordered*, That the clerk inform the Senate thereof.

H. J.—13.

Mr. Davis, from the committee on the judiciary, obtained leave and made the following report :

MR. SPEAKER :

The committee on the judiciary to which was referred House bill No. 28, " a bill providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the Revised Statutes of 1852, and for the publication and recording of depositions heretofore taken, or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence," have had said bill under consideration, and have directed me to report it back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Davis, from the committee on the judiciary, obtained leave and made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred a resolution instructing them to inquire into the expediency of so amending the divorce law as to require both parties to reside in this State at least one year prior to the application for a divorce, have had said resolution under consideration, and instructed me to report that it is inexpedient to so amend the law, and the committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Prosser obtained leave and introduced House bill

No. 95. A bill to legalize the locations, vacations and changes of public highways in this State.

Which was read a first time.

Mr. Prosser moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were.*

Messrs. Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Early, Edwards, For-dyce, Gifford, Hall of Grant, Hall of Rush, Hancock, Hartley, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Warren, Neb-

eker of Vermillion, Nelson, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Summers, Tebbs, Thompson of Elkhart, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Austin, Durham, Firestone, Jefferis, Merrifield and Newton—6.

So the rule was suspended and the bill read a second time by its title, and

On motion,  
Referred to the committee on roads.

Mr. Edwards moved to suspend the order of business for the general introduction of bills.

Which was agreed to.

#### BILLS INTRODUCED.

By Mr. Hancock,

No. 96. A bill to repeal the second section of an act entitled "an act to authorize the formation of new counties and to change county boundaries," approved March 7th, 1857.

Which was read a first time and passed to a second reading.

By Mr. Ritter,

No. 97. A bill to provide for the election of a superintendent of the public printing, prescribing his duties, term of office and compensation, and repealing all laws conflicting therewith.

Which was read a first time and passed to a second reading.

By Mr. Whetzel,

No. 98. A bill to amend "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 18th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Edwards.

No. 99. A bill to authorize the publication of certain decisions of the Supreme Court and the purchase of six hundred copies thereof by the State.

Which was read a first time and passed to a second reading.



By Mr. Dobbins,

No. 100. A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana.

Which was read a first time and passed to a second reading.

On motion,

Mr. Sullivan was granted leave of absence until Tuesday next.

By Mr. Stiles,

No. 101. A bill to regulate the practice in civil cases in the courts of this State in taking exceptions to the over-ruling of demurrers.

Which was read a first time and passed to a second reading.

By Mr. Jefferis,

No. 102. A bill authorizing all persons to travel upon plank, McAdamized and gravel roads free from toll in going to or returning from church or public worship on the Sabbath day.

Which was read a first time and passed to a second reading.

By Mr. Early,

No. 103. A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," and to legalize certain acknowledgments therein specified.

Which was read a first time and passed to a second reading.

By Mr. Shuil,

No. 104. A bill to amend section seven of an act entitled "an act to authorize the construction of levees and drains," approved June 12th, 1852.

Which was read a first time.

Mr. Clements moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Comstock, Cotton, Dobbins, Dougherty, Durham, Early, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Jefferis, Johnston, Jones, Jordan, Kelly,

Lawhead, Lewis, McLain, Major, Massey, Mellett, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Summers, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—67.

No one voting in the negative.

So the rule was suspended and the bill read a second time by its title, and

On motion,

Referred to the select committee to which House bill No. 83 was referred.

By Mr. Jones,

No. 105. A bill to compel owners of town lots to grade and pave side walks, and fixing the penalty thereto.

Which was read a first time and passed to a second reading.

By Mr. Kelly,

No. 106. An act to amend the one hundred and third section of an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of the State.

Which was read a first time and passed to a second reading.

By Mr. Waterman,

No. 107. A bill to provide that the amount of sinking fund on loan or on hand shall be considered the principal of said fund, and for the payment of the interest on the bank bonds and expenses, out of the interest on said fund, and for appropriating the balance to the support of common schools, and repealing all laws contravening the provisions of this act.

Which was read a first time and passed to a second reading.

By Mr. Parks,

No. 108. A bill to provide for the protection of wild cranberries growing on the public, State and non-resident's lands in this State, and providing penalties for the violations of this act.

Which was read a first time and passed to a second reading.

By Mr. Cotton,

No. 109. A bill to provide for and secure the rights of married women in real estate.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Boone,

No. 110. A bill to amend the seventy-sixth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Major,

No. 111. An act concerning licenses to keep ferries; to vend foreign merchandize; to exhibit any caravan, circus, rope or wire dancing, ledgerdemain, ventriloquism, puppet show, concert, theatrical performance, or any other exhibition, of whatever name or description; to carry on the business of stock and exchange broker; to regulate the amount of license therefor; to describe the duties herein of the board of county commissioners, the county treasurers and auditors, justices of the peace and constables, and the persons applying for license; relative to the application for and issuing of such licenses; the disposal of money arising from such licenses, and the remedies for violations of the provisions of this act.

Which was read a first time and passed to a second reading.

By Mr. Bowman,

No. 112. A bill to amend section nine of an act entitled "an act to enforce the thirteenth article of the Constitution by providing a penalty for the importation of negroes or mulattoes into the State of Indiana contrary to the provisions of said act.

Which was read a first time and passed to a second reading.

By Mr. Merrifield,

No. 113. A bill to amend the fifth section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18th, 1852.

Which was read a first time and passed to a second reading.

Mr. Brotherton, from the committee on enrolled bills, made the following report:



**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled Joint Resolution of the House, No. 8, with the engrossed copy thereof, and find the same correctly enrolled.

**ORDERS OF THE DAY.**

The question being on the passage of the Joint Resolution pending at the adjournment on yesterday :

Mr. Nebeker of Warren moved to re-consider the vote by which the main question was ordered to be put.

Messrs. Dougherty and Firestone demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Bowman, Boyd, Brotherton, Comstock, Hamilton of Boone, Hamilton of Wayne, Jefferis, Johnston, Jordan, Kelly, Massey, Nebeker of Vermillion, Nebeker of Warren, Ritter, Robinson, Rynerson, Treadway and Whetzel—18.

*Those who voted in the negative were,*

Messrs. Austin, Black, Boxley, Branham, Carr, Cavins, Clark, Clements, Collier, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Firestone, Fordyce, Gifford, Hall of Grant, Harley, Jones, Lawhead Lewis, Mansfield, Merrifield, Murray, Nelson, Newton, Prosser, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Summers, Tebbs, Wildman, Wood and Mr. Speaker—44.

So the vote was not re-considered.

Mr. Austin moved a call of the House ;  
Which was ordered.

The Clerk proceeded with the call when the following members answered to their names :

Messrs. Austin, Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hartley, Jefferis, Johnston, Jones, Kelly, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Scott,

Sherman, Shockley, Skull, Smith of Miami, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker  
—70.

On motion,  
The further reading was dispensed with.

The question being on the adoption of the joint resolution.

The Clerk proceeded to call the roll, but before the same had been completed, or the vote announced, the hour of eleven o'clock having arrived, and the Speaker, under the rule, declared the House adjourned until Monday next 2 o'clock, P. M.

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MONDAY, 2 o'clock, P. M. }  
January 24, 1859. }

The House met.

The journal was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Jefferis,

A petition from sundry citizens of Wayne county, on the subject of draining swamp lands.

On motion,

The petition was referred to the committee on the rights and privileges of the inhabitants of this State.

By Mr. Power,

A petition signed by Reuben Williams and others, on the subject of reducing the price of public printing :

Which,

On motion,

Was referred to the committee on public expenditures.

By Mr. Murray,

A petition signed by Daniel McCoy and others, praying a change in regard to the formation of school districts ;

Which,

On motion,

Was referred to the committee on county and township business.

By Mr. Parks,

A petition from sundry citizens of Marshall county, on the subject of temperance.

On motion,

The petition was referred to the committee on temperance.

By Mr. Hall of Grant,

A petition signed by sundry citizens of the county of Grant on the subject of temperance ;

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Wood,

A petition signed by sundry citizens of Gibson county, on the subject of a geological survey ;

Which,

On motion,

Was referred to the joint committee on that subject heretofore appointed.

By Mr. Treadway,

A petition signed by Charles D. Hand and others, on the subject of a reduction in the price of public printing ;

Which,

On motion,

Was referred to the committee on public expenditures.

By Mr. Jefferis,

A memorial from the Indiana yearly meeting of the Society of Friends, asking for the repeal of the laws of this State, which exclude colored persons from testifying in cases where white persons are parties.

On motion,

The memorial was referred to the committee on rights and privileges of the inhabitants of the State.



## REPORTS FROM STANDING COMMITTEES.

Mr. Dobbins, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries, to whom was referred a resolution of the House inquiring into the propriety of so amending the law regulating fees and salaries as to allow county officers stated annual salaries, with authority given to the boards doing county business, to allow said officers for clerk hire in counties where justice requires it, have had the same under consideration, and have directed me to report the same back to the House and recommend that further legislation on the subject is inexpedient.

Which report was concurred in.

Mr. Robinson, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries, to which was referred the communication of James C. Jocelyn and others, in relation to the payment of costs in State cases, have had the same under consideration, and have directed me to report that further legislation on the subject is unnecessary;

Which was concurred in.

Mr. Nelson, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 75, a bill regulating interest on money, have had the same under consideration, and recommend further legislation inexpedient.

On motion by Mr. Nebeker of Warren,

The report and bill was laid on the table.

Mr. Merrifield moved that the report on House bill No. 16 be taken from the table;

Which was agreed to.

Mr. Nelson, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on rights and privileges, to which was referred House bill No. 16, a bill to amend the 32d section of an act entitled "an act defining misdemeanors, and prescribing punishment

therefor," approved June 14, 1852, approved March 7, 1857, have had the same under consideration, and instructed me to report the same back with the following amendment:

In the second line strike out "32d" and insert "one," to the title of said bill prefix the following words: "an act to amend an act entitled," and when so amended they recommend the passage thereof;

The report was concurred in, the amendment adopted and the bill ordered to be engrossed.

Mr. Shockley, from the committee on temperance, made the following report:

**MR. SPEAKER:**

Your committee, to whom various petitions were referred, have duly considered the same and directed me to make the following report: Your committee is well aware of the necessity of some good and well regulated liquor law, so as to restrain the use of intoxicating spirits to so great an extent as is at this time prevalent throughout this State, and hope this honorable body will pass such a law as will regulate the use of said intoxicating liquors, all of which is very respectfully submitted;

Which was concurred in.

Mr. Austin, from the committee on temperance, made the following report:

**MR. SPEAKER:**

The committee on temperance, to whom was referred a resolution directing an inquiry into the expediency of refraining from further legislation upon the sale and manufacture of cider, and domestic wine manufactured from the grape, have had the same under consideration, and directed me to report to the House that, in the opinion of the committee, legislation on that subject is inexpedient.

And, also, on that part of the resolution referring to the expediency of providing a penalty or vending mixed or adulterated liquors, would respectfully submit the following bill:

No. 114. A bill to prevent the sale, bartering or giving away of mixed or adulterated spirituous, malt or other intoxicating drinks, and to provide penalties and fix fines for the violation thereof;

Was read a first time and passed to a second reading.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined the following engrossed bills of the House, to-wit: Bills Nos. 3, 19, 20, 39, 57 and 79, and find that said bills are correctly engrossed.

Mr. Ritter, from the committee on public expenditures, made the following report:

MR. SPEAKER:

The committee on public expenditures, who were instructed by a resolution of the House to inquire how much money was annually paid for services of attorneys for and on behalf of the State, of the same character as those now devolved by law on the Attorney General, for four years next preceding the creation of that office, and how much per annum has been paid since in addition to the salary of that office, respectfully report:

That by the act of 1855, the duties of the Attorney General are declared to be to prosecute and defend all suits that may be instituted by or against the State of Indiana, the prosecuting or defending of which is not already provided for by law, and whenever required so to do by any officer of State, he shall furnish the applicant a written opinion, touching any point of law concerning the official duties of such officer, and to either branch of the General Assembly, when requested so to do, concerning the validity of any existing or proposed law or conflict thereof. The services to be rendered by this officer are, therefore, limited to civil suits and do not embrace criminal prosecutions, because the law had already otherwise provided for the latter.

The first Attorney General entered upon the discharge of his duties in the beginning of March, 1855, and the four years prior thereto referred to in the resolution will, consequently, commence with March, 1851, but the committee report the fees of each year, commencing with January.

In examining the books of the Auditor of State to obtain the information asked, the committee found it difficult to arrive at certain results on account of the mode in which the books are kept. Instead of keeping the expenditures for legal services in civil suits under one head, there are at least four, viz: Contingent Expenses, Attorneys' Fees, Specific Appropriations and Swamp Lands. To examine all the disbursements under these heads since March, 1851, and the vouchers would require a much longer time than your committee could possibly devote to such examination. The expenditures under the head of Swamp Lands amount to about one million of dollars, and all that the committee could do was to select from the names, those who were known to be attorneys at law and examine whether their accounts were for legal service or not. To avoid delay on the one hand and arrive as nearly as



possible at the truth; on the other, has been the object of the committee. Whether accounts for legal services are placed under any other heads, your committee cannot tell, but believe there are none, at least, of much importance.

The fees paid under each of these heads, and the sums paid the Attorney General, are as follows :

### CONTINGENT FUND.

Year.	NAMES.	Amount.	IN WHAT CASE.
1851....	W. W. Wick .....	\$16 75	Services in Beard's case.
1853....	J. W. Hanna.....	50 00	State <i>vs.</i> trustees of the Wabash and Erie canal.
1853....	J. P. Fisher.....	100 00	Clay county <i>vs.</i> trustees of the W. & E. canal.
1857....	J. P. Usher.....	100 00	State <i>vs.</i> Morgan, <i>et al.</i>
1857....	E. B. Collins.....	50 00	Morrison <i>vs.</i> Secretary of State.
1857....	Milroy & Cole.....	100 00	State <i>vs.</i> Meikel <i>et al.</i>
1857....	James Hughes.....	600 00	State <i>vs.</i> N. A. & S. R. R. company.
1858....	A. A. Hammond.....	500 00	do do do
1858 ..	F. Rand .....	50 00	Biddle Mandamus case.

### SPECIFIC APPROPRIATION.

Year.	NAMES.	Amount.	IN WHAT CASE.
1851....	O. H. Smith.....	\$250 00	Vincennes University <i>vs.</i> State.
1851....	George G. Dunn.....	150 00	do do do
1852....	B. Rhour & Porter.....	100 00	Ellis & Spann <i>vs.</i> State.
1852....	D. Wallace.....	100 00	do do
1852....	Charles H. Test.....	200 00	Fischli estate case.
1852....	James Hughes.....	50 00	State <i>vs.</i> Dunning.
1857....	Bryant & Chandler.....	500 00	State <i>vs.</i> Wabash and Erie canal.
1857....	R. W. Thompson.....	100 00	Terre Haute R. R. Co. <i>vs.</i> Treasurer of Vigo co.
1857....	West & O'Neal.....	500 00	State <i>vs.</i> Wabash and Erie canal.
1857....	Lew Wallace.....	15 00	In the case of Owens Blake.

## ATTORNEYS' FEES.

Year.	NAMES.	Amount.	IN WHAT CASES.
1853....	Morrison & Major.....	\$1,000 00	State <i>ads.</i> McGinley.
1853....	Morrison & Major.....	100 00	Bales <i>vs.</i> State.
1853....	F. Emerson.....	400 00	Fischli <i>vs.</i> State case.
1853....	Lis on & Harvey.....	100 00	Bates <i>vs.</i> Auditor of Marion county.
1853....	Charles Test.....	100 00	Fischli <i>vs.</i> State case.
1854....	R. L. Walpole.....	300 00	In sundry cases.
1854....	D. McDonald.....	100 00	In railroad cases.
1854....	R. L. Walpole.....	200 00	In railroad cases.
1854....	O. H. Smith.....	212 00	State <i>ads.</i> Vincennes University case.
1854....	J. B. Howe.....	78 00	About State suits.
1854....	D. McDonald.....	250 00	Railroad cases.
1854....	R. L. Walpole.....	130 00	In State suits.
1854....	S. P. Oyler.....	30 30	State <i>vs.</i> Treasurer of Johnson county.
1854....	R. L. Walpole.....	450 00	Balance of fees in sundry State cases.
1854....	D. McDonald.....	110 00	State <i>vs.</i> Railroad companies.
1855....	D. McDonald.....	50 00	Services rendered to State Auditor.
1855....	Barbour & Porter.....	100 00	State <i>vs.</i> Churchman.
1855....	Buskirk & Dunning.....	400 00	Perry township, Marion county school case.
1855....	Serest & Eckels.....	400 00	Putnam county school case.
1855....	I. Blackford.....	400 00	Vincennes University <i>vs.</i> the State.
1855....	D. McDonald.....	500 00	Vincennes University <i>vs.</i> the State.
1855....	J. P. Usher.....	150 00	State <i>vs.</i> Wabash and Erie canal.
1855....	J. M. Hanna.....	200 00	do do do
1855....	Otto & Davis.....	300 00	Habeas Corpus cases.
1855....	Test & Morton.....	400 00	Wayne county school case.
1855....	D. D. Donahue.....	100 00	Putnam county school case.
1855....	James Morrison.....	50 00	Legal opinion.
1855....	Barlow & Porter.....	50 00	do do
1855....	D. McDonald.....	200 00	Legal advice.
1855....	B. F. Claypool.....	230 00	Connersville <i>vs.</i> Aud. and Treas. of Fayette co.

## SWAMP LANDS.

Year.	NAMES.	Amount.	IN WHAT CASES.
1851....	John H. Bradley.....	\$100 00	Services in L. O. department relative to S. lands.
1853....	R. W. Thompson.....	1,000 00	Aiding to get Swamp and Bill through Congress.
1855....	John W. Wright.....	100 00	Securing Swamp Land Fund in Lake county.
1855....	R. H. McEroy.....	180 00	State <i>vs.</i> Marble, Swamp Land Agent.
1856....	Pratt & Tabor.....	58 00	Services in White county.
1857....	D. C. Donahue.....	400 00	Relative to Swamp Lands in Lake county.
1857....	T. F. Palmer.....	50 00	Relative to Swamp Lands in Benton county.
1857....	J. Ristine.....	25 00	do do do
1857....	H. O'Neal.....	300 00	do do do
1858....	Burke, Barton & Clements.....	150 00	State <i>vs.</i> Hastings, <i>et al.</i>

## THE AGGREGATE OF EACH OF THESE YEARS AS FOLLOWS:

## 1851.

Contingent fund.....	\$16 75
Specific appropriation.....	400 00
Swamp lands .....	100 00
	<hr/> \$516 75

## 1852.

Specific appropriation.....	450 00
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1853.		
Contingent fund.....	\$150 00	
Attorneys' fees.....	1,700 00	
Swamp lands.....	1,000 00	
	<hr/>	\$2,850 00
1854.		
Attorneys' fees.....		1,860 00
1855.		
Attorneys' fees.....	\$3,530 00	
Swamp lands.....	280 00	
	<hr/>	3,810 00
1856.		
Swamp lands.....		58 00
1857.		
Contingent fund.....	\$250 00	
Specific appropriation.....	1,115 00	
Swamp lands.....	775 00	
	<hr/>	2,140 00
1858.		
Contingent funds.....	\$1,150 00	
Swamp lands.....	150 00	
	<hr/>	1,300 00
1855.		
Attorney General (Morrison).....		571 25
1856.		
Attorney General (Morrison).....		1,083 13
1857.		
Attorney General (McDonald).....		921 00
1858.		
Attorney General (McDonald).....		1,000 00

In a message to the General Assembly in 1851, Governor Wright states that the total amount of attorney's fees in civil cases for the State, during the preceding five years, was \$1,960. This statement, and the foregoing table, give the following annual averages since 1845:

1845 to 1850, both included, annual average.....	\$392 00
1851 to 1855, both included, and also the pay of Attorney General.....	2,011 66
1856 to 1858, both included, and also the salary of Attorney General.....	2,167 44

It will thus be seen that since the creation of the office of Attorney General the annual average is greater than that of the five



preceding years, although the expenditures in 1854 and 1855 were unusually great, on account of the litigation growing out of the internal improvement system, the new constitution, swamp land services, and improvident legislation, as in the Vincennes University case; the fees alone in this suit being \$1,512.

Why so many attorneys have been employed since the creation of the office of Attorney General, or by what legal authority this has been done, your committee cannot know, as the Governor has not seen fit to send to the General Assembly his reasons for so doing. But in future the cases must necessarily be much fewer and less important, for the causes which produced the heavy litigation from 1853 to 1856 no longer exist, and the annual average ought to approximate nearer the years between 1845 and 1850, than any subsequent period. How far it does so could readily be ascertained by the General Assembly requiring a biennial report from the Attorney General, of the cases in which he has been engaged.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 22, 1859. }

HON. J. W. GORDON,

*Speaker of the House of Representatives:*

SIR:—In reply to the House resolution of yesterday, I have to state that the balance of swamp land fund due to the county of Lake on the first day of November, 1858—the date of my last report—was \$19,278 93.

I am sir, very respectfully,

your obedient servant,

JOHN W. DODD,

*Auditor of State.*

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 24, 1859. }

HON. J. W. GORDON,

*Speaker of the House of Representatives:*

SIR:—In reply to a resolution adopted by the House during the extra session of 1858, "That the Auditor of State be requested to report to this House at as early period as possible, the accounts for services audited in his office against the former Auditor of State,

his immediate predecessor, and also a similar report in reference to the accounts against the present incumbent," I have the honor to submit the following statement :

*Amounts audited in favor of H. E. Talbott :*

On account of salary as Auditor for the year 1855.....	\$1,000 00	
On account of salary as Auditor for the year 1856.....	1,000 00	
	<hr/>	\$2,000 00
On account of salary under free bank law for 1855.....	1,500 00	
On account of salary under free bank law for 1856....	1,500 00	
	<hr/>	3,000 00
Furnishing for taxation lands sold during the year 1855.....	158 00	
Furnishing for taxation lands sold during the year 1856.....	406 00	
	<hr/>	564 00
Swamp land certificates issued in 1855....	1,281 00	
Swamp land certificates issued in 1856....	3,228 00	
	<hr/>	4,509 00
Management of trust funds for 1855.....	265 23	
Management of trust funds for 1856.....	226 06	
	<hr/>	491 29
Services under act of March 21, 1841, for two years.....		100 00
		<hr/>
Total amount audited in favor of H. E. Talbott.....		\$10,664 29

Warrants have been drawn in favor of the present incumbent as follows:

Salary as Auditor for two years.....	\$2,000 00
Salary under free bank law for two years..	3,000 00
Issuing swamp land certificates, 1857....	\$1,006 00
Issuing swamp land certificates, 1858....	1,648 00
	<hr/>
	2,654 00
Making plats and tract books for second section of swamp land.....	297 00
Specific allowance for distribution of swamp land fund under act of March 5th, 1857.....	2,446 80
Furnishing for taxation lands sold during the year 1857.....	435 20

For management of trust funds.....	465 00
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Total amount audited in favor of present incumbent.....	\$11,298 00
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To show the net amount realized by the Auditor, I deem it proper to state that the expenses of this office for clerk hire for the year 1857 were.....

\$2,500 00

And for the year 1858..... 2,000 00

\$4,500 00

Which taken from the whole amount audited, leaves as the net amount received from the State Treasury by the present incumbent during the years 1857 and 1858, the sum of \$6,798. I presume a like amount of expenses was incurred by my predecessor.

All of which is respectfully submitted.

JOHN W. DODD,  
*Auditor of State.*

On motion,

The communication was referred to the committee on ways and means.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE,  
Indianapolis, Jan. 24, 1859.

To HON. J. W. GORDON,

*Speaker of the House of Representatives:*

SIR:—In reply to the resolution adopted by the House on the 26th of November last, calling for certain expenditures by the various persons who have held the office of State Librarian, I have the honor to state as follows:

There was audited in favor of John B. Dillon during his term of office, the sum of.....	\$1,734 16
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There was audited during the term of office of Nathaniel Bolton, including his salary and the services of persons in his employ, the sum of.....	1,731 38
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There was audited during the term of office of Gordon Tanner, including his salary and the services of persons employed by him, the sum of.....	3,625 78
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There was audited during the term of office of S. D. Lyon, including his salary and the pay of persons employed by him, the sum of.....	3,523 05
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I transmit herewith an abstract showing the items of expenditures which go to make up the aggregate above reported. It may be proper to remark that during Mr. Dillon's and a part of Mr. Bolton's terms, the disbursements on account of the State House and State Library, were made by the Treasurer of State, and hence no expenditures are shown during that time on account of State Library, save the bare salary of the Librarian. Under the act of 1852, the Librarian was made the custodian of the State House and grounds, and his certificate was made authority for the Auditor to issue his warrant for any expenses incurred in keeping the building and grounds in order. Hence the increased disbursements to the Librarian.

All of which is respectfully submitted.

JOHN W. DODD,  
*Auditor of State.*

On motion,

The communication was referred to the committee on ways and means.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE,  
Indianapolis, January 24, 1859. }

HON. JONATHAN W. GORDON,

*Speaker of the House of Representatives:*

SIR:—In reply to the House resolution of the 21st inst., I have the honor to state that my report for the year 1858 is all in type and will be ready for delivery to members in a few days.

Very respectfully,

Your obedient servant,

JOHN W. DODD,  
*Auditor of State.*

#### REPORTS FROM SELECT COMMITTEES.

Mr. Shull, from a select committee, made the following report:

MR. SPEAKER:

The special committee to whom was referred House bill No. 104, a bill to amend section seven of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852, have directed me to report that they have had the same under consideration and recommend its passage;

The report was concurred in and the bill ordered to be engrossed.

On motion by Mr. Snyder,

*Resolved*, That the Auditor of State be requested to inform this House at an early day, whether the State of Indiana is not the owner of certain town lots, lying near to and south of the canal, within the city of Indianapolis, and if so to state the number and description of each of such lots and their probable value.

Mr. Durham offered the following resolution :

*Resolved*, That the committee on education be instructed to inquire into the expediency of suspending the collection of taxes for the support of township libraries, and that the township libraries be sold and the proceeds thereof be appropriated to the common school fund.

Mr. Jordan moved to lay the resolution on the table ;  
Which was agreed to.

Mr. Hartley offered the following resolution :

*Resolved*, That we hold it to be sound and unexceptionable doctrine that if the people of a territory are in favor of slavery they have a right to make laws to establish and protect it, and if they are opposed to slavery, they have an equal right to make laws to exclude it.

Mr. Merrifield moved to lay the resolution on the table ;  
Which was agreed to.

Mr. Mellett offered the following preamble and resolution :

WHEREAS, This General Assembly in joint convention assembled on Friday, the 14th day of January, 1859, elected Grafton F. Cookerly, Thomas M. Brown and Samuel H. Buskirk, directors of the State prison without determining the length of time such persons should serve as such directors, but left that to be fixed as provided in the act creating such office ;

AND WHEREAS, The journal of this House incorrectly states that Grafton F. Cookerly and Thomas M. Brown were each elected to serve for the term of four years, and that Samuel H. Buskirk was elected to serve for the term of two years ; therefore be it

*Resolved*, That the journal of said joint convention be and the same hereby is amended to read as follows, namely : That Grafton F. Cookerly, Thomas M. Brown and Samuel H. Buskirk, having each received a majority of all the votes cast for them, are hereby declared to be elected such directors, to serve as such for the term fixed by law, and until their successors are elected and qualified.

Which was agreed to.

Mr. Lawhead introduced the following :

**WHEREAS**, It is the duty of the General Assembly of Indiana to do all in its power consistent with sound policy and right to lighten the burthen of taxation ; **AND WHEREAS**, the General Assembly as now composed by law, consists of 150 members ; **AND WHEREAS**, a less number would do the business with more dispatch equally as well and perhaps better, therefore,

*Resolved*, That the number of Representatives should be reduced to seventy-five, and the number of Senators to thirty.

Which was agreed to.

On motion by Mr. Murray,

*Resolved*, That the committee on the judiciary be and they are hereby instructed to report a bill prescribing the time, place and manner of electing United States Senators for the State of Indiana, in accordance with the Constitution thereof.

Mr. Shull offered the following resolution :

*Resolved*, That the committee on education inquire into the expediency of increasing the present school tax to fifteen cents on the hundred dollars.

Which was not agreed to.

The Speaker laid before the House a memorial signed by D. R. Daniels, on the subject of the common school system ;

Which,

On motion,

Was referred to the committee on education.

On motion by Mr. Usrey,

*Resolved*, That the committee on the organization of courts of justice be instructed to inquire into the expediency of so changing the law that any person or persons may take a change of venue or an appeal from any of the common pleas courts in our State to the circuit court, and report by bill or otherwise.

Mr. Power offered the following resolution :

*Resolved*, That the committee on rights and privileges be and are hereby instructed to inquire into the expediency of repealing all laws upon the subject of usury.

Which was not agreed to.



Mr. Hartley offered the following resolution :

*Resolved*, That, in the opinion of this House, the office of Superintendent of Public Instruction is like the Indian's gun, it costs more than it comes to, and that the committee on education be instructed to inquire into the expediency of curtailing his salary to two hundred and fifty dollars per annum, and report by bill or otherwise,

Which was not agreed to.

Mr. Dobbins offered the following resolution :

*Resolved*, That the State Librarian prepare, as soon as possible, a full and complete catalogue of the books, &c., in the library at this time, and that when said catalogue is so completed the same be published in convenient form, and report, for distribution upon request, among those entitled by law to the privilege of the library.

Which was not agreed to.

On motion by Mr. Clements,

*Resolved*, That the board of trustees of the Wabash and Erie Canal be requested to furnish to this House immediately an account of all moneys received by each of said trustees, and each of their predecessors in office for salaries, fees, perquisites, traveling expenses or otherwise, since the creation of said board of trustees, and that the clerk of the House transmit a copy of this resolution to Thomas Dowling, Esq., resident trustee at Terre Haute, Indiana.

Mr. Lawhead offered the following resolution :

*Resolved*, That the committee on the judiciary inquire into and report upon the expediency of requiring uniformity in the collection of debts, so that all debts may be collected subject to valuation and appraisement laws, without regard to a waive in contract.

Which was not agreed to.

On motion by Mr. Gordon,

*Resolved*, That the judiciary committee be instructed to inquire whether the State of Indiana has the constitutional power to reduce the width of the Michigan Road, and also whether the State is not under obligations to keep up and maintain said road, and if so, whether the State is bound to construct a bridge across White

River, in the county of Marion, where said road crosses said river, and that they report the result of such inquiry to this House at an early day of the present session.

#### JOINT RESOLUTIONS.

By Mr. Hunter,

No. 14. A joint resolution to recover from the general government rent for use of capital buildings, in which federal courts have been held, and also for fuel and light furnished from the year 1836 to 1858 inclusive ;

Which was read, and

The question being shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Boyd, Branham, Brotherton, Cavins, Clark, Claypool, Clements, Colgrove, Comstock, Cotton, Davisson, Dobbins, Durham, Early, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Boxley, Carr, Kempf and Snyder—6.

So the joint resolution passed.

*Ordered,* That the clerk inform the Senate thereof.

By Mr. Waterman,

No. 15. A Joint Resolution proposing to amend the constitution of the State of Indiana, so as to allow two county offices to be held by one person.

Which was read, and

On motion by Mr. Mellett,

Referred to the committee on the judiciary.

Mr. Firestone moved to suspend the order of business and take up message from the Senate containing Senate bill No. 60.

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 60. A bill fixing the times of holding courts in the Eleventh Judicial Circuit, and prescribing the length in each county thereof.

In which the concurrence of the House is respectfully requested.

Senate bill No. 60, referred to in the foregoing message, was taken up and read a first time.

Mr. Firestone moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Dobbins, Durham, Early, Firestone, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hunter, Jones, Jordan, Kelly, Kempf, Lewis, Lawhead, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Ryner-son, Scott, Sherman, Shields, Shockley, Shull, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Austin, Claypool and Griffin—3.

So the rules were suspended and the bill read a second time by its title and passed to a third reading.

#### BILLS INTRODUCED.

By Mr. Hunter,

No. 115. A bill to repeal an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852, saving all proceedings and claims now pending before the



township trustees, and transferring the same to the boards of commissioners in the various counties where pending for the disposition thereof.

Which was read a first time and passed to a second reading.

By Mr. Dobbins,

No. 116. A bill for the more uniform mode of doing township business, and repealing an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Hunter,

No. 117. A bill to amend section fifteen and to repeal sections twenty-seven to thirty-eight inclusive, of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852, so as to give boards of county commissioners jurisdiction as to change, laying out and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees, under said sections so repealed, to the board of county commissioners, and providing for the disposition thereof.

Which was read a first time and passed to a second reading.

By Mr. Sherman,

No. 118. A bill to provide penalties and to prescribe punishment for the officers of any banking institution failing to pay deposits or redeem their bills on presentation.

Which was read a first time, and passed to a second reading.

By Mr. Colgrove,

No. 119. A bill providing for the distribution of the sinking fund and defining the duties of the officers therein named, and setting apart and dedicating the same to common school purposes, providing the manner in which the same shall be managed, and providing for the distribution of the interest arising from said fund prior to the distribution of the same.

Which was read a first time.

Mr. Colgrove moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Bowman, Boyd, Boxley, Branham,

Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Dobbins, Durham, Early, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Snyder, Stanley, Summers, Tebbs, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—78.

No person voting in the negative.

So the rule was suspended and the bill read a second time by its title.

Mr. Colgrove moved that the bill be laid upon the table and five hundred copies printed—three hundred for the use of the House and two hundred for the use of the Senate.

Which was agreed to.

By Mr. Claypool,

No. 120. A bill to fix the time for holding the circuit courts in the eighth judicial circuit.

Which was read a first time and passed to a second reading.

By Mr. Scott,

No. 121. A bill to provide for the protection of fish in lakes in this State, and defining the time in which the same may be shot or caught with seines or nets, and declaring the penalty for the violation of this act.

Which was read a first time and passed to a second reading.

Mr. Branham moved that when the House adjourn, it adjourn till two o'clock to-morrow afternoon.

Which was agreed to.

By Mr. Hunter,

No. 122. A bill to authorize the holders of unauthorized paper currency to sue for and recover from persons who have issued the same, as for money had and received, without making previous holders parties to the suits, and making such currency evidence of the indebtedness.

Which was read a first time and passed to a second reading.

By Mr. Martin,

No. 123. A bill concerning interest on money and prescribing penalties for violations of the provisions thereof, and repealing all laws in conflict therewith.

Which was read a first time and passed to a second reading.

Mr. Harrison moved to suspend the order of business and take up Senate bill No. 3, and accompanying message.

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit.

Senate bill No. 3. A bill attaching the counties of Hancock, Madison, Hamilton, Tipton and Howard to the seventh judicial circuit, and fixing the time of holding circuit courts in said circuit, and also repealing all laws conflicting therewith.

In which the concurrence of the House is respectfully requested.

Senate bill No. 3, referred to in the foregoing message, was read a first time.

Mr. Harrison moved to suspend the rule and read the bill a second time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Dobbins, Durham, Early, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shockley, Shull, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—70.

Mr. Newton voted in the negative.



The bill was then read a second time by its title.

Mr. Brotherton moved to refer the bill to a select committee of five;

Which was agreed to.

The Speaker appointed Messrs. Brotherton, Harrison, Ritter, Cotton and Shull said committee.

By Mr. Whetzel,

No. 124. A bill to prohibit the throwing of carrion or dead animals into running streams, and prescribing the penalty for the violation thereof.

Which was read a first time and passed to a second reading.

By Mr. Hunter,

No. 125. A bill to prevent persons from riding, leading or driving any kind of animal or animals upon the track or embankments of railroads, or driving wagons or carriages thereon, except as therein provided, and prescribing punishment for violations thereof.

Which was read a first time and passed to a second reading.

Mr. Merrifield moved that the House do now adjourn ;

Which was not agreed to.

By Mr. Parks,

No. 126. A bill to amend section two of chapter five of an act entitled "an act providing for the election of clerks of the circuit court and prescribing some of their duties ; in second vol. Revised Statutes, part first, concerning the organization of courts, providing for the election of their officers, and prescribing their general duties, and to repeal certain laws herein named.

Which was read a first time and passed to a second reading.

By Mr. Colgrove,

No. 127. A bill to provide for the conveyance of real estate by any person or persons claiming right or title thereto.

Which was read a first time and passed to a second reading.

By Mr. Stiles,

No. 128. A bill to regulate the practice of the supreme court in the construction and interpretation of bills of exceptions set forth in transcrip.s.

Which was read a first time and passed to a second reading.

By Mr. Clements,

No. 129. A bill touching pleadings in abatements and dilatory defences in civil actions.

Which was read a first time and passed to a second reading.

By Mr. Colgrove,

No. 130. A bill to authorize the board of commissioners in the several counties in this State to abolish all road districts and parts of road districts within the limits of incorporated towns in their respective counties, and to place the road work and road tax under the control of the council of such towns.

Which was read a first time and passed to a second reading.

By Mr. Brotherton,

No. 131. A bill to secure dues from private corporation.

Which was read a first time and passed to a second reading.

By Mr. Massey,

No. 132. A bill to amend an act entitled "an act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7, 1852, amending sections 48 and 50, and repealing section 49 of said act.

Which was read a first time and passed to a second reading.

On motion by Mr. Stiles,

The House adjourned till to-morrow 2 o'clock, P. M.

TUESDAY 2 o'clock, P. M.,  
January 25, 1859. }

The House met.

The Clerk proceeded to read the Journal,  
When,

On motion by Mr. Boyd,  
The further reading was dispensed with.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Parks,

A petition from sundry citizens of Marshall county, on the subject of colonization.

Mr. Edwards moved to refer the petition to a select committee of five.

Which was agreed to.

The Speaker appointed Messrs. Edwards, Parks, Sherman, Murray and Boyd said committee.

## REPORTS FROM STANDING COMMITTEES.

Mr. Turpie, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the resolution of the House relative to docketing claims against decedents' estates for trial, have had the same under consideration, and have instructed me to report thereon the following bill and recommend its passage;

The report was concurred in, and

Bill No. 133. An act supplemental to an act entitled "an act to amend the 65th and 66th sections of an act providing for the settlement of decedents' estates, prescribing the right, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and supplemental thereto, approved February 20, 1855.

Which was read a first time and passed to a second reading.

Mr. Parrett, from the committee on the judiciary, made the following majority report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 37, entitled "a bill to amend section thirty-three of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," so as to pro-



vide that no suit against the maker of a written contract, assigned with or without written endorsement, shall be commenced without the county of the maker's residence," have had the same under consideration and instruct me to report the same back to this House and recommend that the same be indefinitely postponed.

Mr. Prosser, from the same committee, made the following minority report :

**MR. SPEAKER :**

The undersigned, as one of the judiciary committee to whom was referred House bill No. 37, "to amend the thirty-third section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," begs leave to dissent from the report made by the majority on said committee, for the following reason, to-wit :

That whereas, it is the practice of many of the courts in this State, for the owner of a note, account or other contracts, where the maker lives in another county, for the owner of such note, account or other contract, to assign the same to some person living in the same county where such owner as aforesaid resides ; summons will then issue against the assignor, a copy of which will be sent to the county where such maker lives and served upon him. Hence placing the maker under the necessity of leaving his own county and going to another to defend a suit which should have been brought against him in the county where he lives.

Which is respectfully submitted,

**L. PROSSER.**

The question being on concurring in the report of the majority of the committee.

It was concurred in.

Mr. Power, from the committee on military affairs, made the following report :

**MR. SPEAKER :**

The committee to whom was referred Joint Resolution No. 3, instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of such a law as will result in the location of an armory at the falls of the Ohio river, on the Indiana side, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

The report was concurred in.

No. 3. A Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of such law or laws as will result in the location of an armory at the falls of the Ohio river, on the Indiana side.

Was read, and the question being shall the Joint Resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermilion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—81.

No one voting in the negative.

So the Joint Resolution passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Mellett moved to suspend the order of business and take up message from the Senate containing the concurrent resolution in regard to appointing joint committee to investigate swamp land frauds.

Which was not agreed to.

Mr. Massey, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on rights and privileges of the inhabitants of this State, to whom was referred House bill No. 26, entitled "a bill to protect witnesses from insult while on examination or present before a court or jury," have had the same under consideration, and instructed me to report it back and recommend that it be laid on the table.

Mr. Nebeker of Warren, from the committee on the rights and

privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on rights and privileges to whom was referred House bill No. 51, entitled "a bill to amend section three of an act entitled "act containing several provisions regarding landlords and tenants, lessors and lessees," approved May 20th, 1852, have had the same under consideration and directed me to report the same back to the House and recommend that legislation on the subject would be inexpedient.

Which was concurred in.

Mr. Merrifield, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on rights and privileges to whom was referred the petition of Jacob Sheffe: and others, asking for a law authorizing "persons owning wet and swamp lands to enter upon the lands of other persons for the purpose of securing an outlet to their drains, under such equitable restrictions as you in your wisdom may deem right and proper," have had the same under consideration and instructed me to report the same back and recommend that legislation on the subject is unnecessary and inexpedient.

Which was concurred in.

Mr. Brotherton, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on rights and privileges of the inhabitants of this State, to whom was referred a resolution of the House instructing them to inquire into the expediency of further legislation for the suppression of theatrical exhibitions, horse racing, gambling and other diversions incompatible with true religion and good morals, have had the same under consideration, and have directed me to report the same back to the House and recommend that it be laid on the table ;

Which was concurred in.

Mr. Parks, from the committee on rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of  
H. J.—14.



the State, to whom was referred House resolution requiring said committee to inquire into the expediency of reporting an amendment to a bill on the subject of interest, prohibiting banks from charging a greater rate of interest on notes, bills of exchange or otherwise per annum than that which is allowed in said bill to individuals on money, with proper penalties and restrictions, have had the same under consideration, and have instructed me to report the same back and that legislation is unnecessary on the subject.

The question being on concurring the report.

Mr. Nebeker of Warren, moved to lay the report on the table, as the subject matter of it was made the special order of the day for Wednesday next at 2 o'clock, P. M.;

Which was agreed to.

Mr. Griffin, from the committee on the rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 22, a bill to amend the first, second and third sections of an act entitled "an act concerning interest on money," approved May 27, 1852, have had the same under consideration, and have instructed me to report that it be amended by striking out after the enacting clause and inserting the following, and after it is so amended they recommend its passage.

Mr. Keefer moved to lay the report, bill and amendment on the table to be made the special order of the day for to-morrow at 2 o'clock, P. M., in committee of the whole ;

Which was agreed to.

Mr. Comstock, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred House bill No. 27, a bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the powers of such consolidated companies," have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Comstock, from the committee on roads, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 50, a bill to amend the 31st section of "an act providing for the election or appointment of supervisors of highways and prescribing certain of their duties," have had the same under consideration, and directed me to report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Prosser, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 95, a bill to legalize the location, vacation and change of public highways within this State," has had the same under consideration and directed me to report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Harrisson, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House bill No. 48, a bill to amend the 6th section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, have had the same under consideration, and directed me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Mellett, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House bill No. 52, a bill to provide for the election and qualification of assessors and prescribing a part of their duties, have had the same under consideration, and deeming legislation

upon the subject therein contained inexpedient, have directed me to report said bill back to the House and recommend that it be indefinitely postponed.

Mr. Waterman, from the same committee, made the following minority report :

MR. SPEAKER :

The undersigned begs leave to submit the following as a minority report of the committee to whom was referred House bill No. 52, entitled "an act to provide for the election of county assessors, and prescribing their duties, &c." It is found by the practical operation of the system of township assessors, that the expense of making the assessments is nearly, if not quite double, what it was under the system of county assessors, at least that is the case in the county I have the honor to represent on this floor, and I have taken some pains to inquire in relation to this matter in other counties, and that the result has followed in every case. But it is asked why is the township system more expensive? I will answer that it must necessarily be so for the following among other reasons :

*First.* There are twelve men to take a county of that number of townships for an example, to go to the county seat for their books at \$1 50 per day each, making \$18 instead of \$1 50.

*Second.* The assessors are generally inexperienced in the business, and consequently must get along slowly at first, and as soon as they acquire some practical knowledge of the business they are through with their townships, and the people lose all the benefit of their experience.

The same result follows in making out their books, for it will not be disputed by any one who has any practical knowledge on the subject, that a person who has had some practice in making out such books, will do double the amount of work in a given time that one will who has had no practice.

*Third.* There are twelve men to draw pay as members of the board of equalization instead of one, making a difference of \$16 50 for each day the board sits.

*Fourth.* The expense of blank books is greater. Therefore, as far as the matter of economy is concerned, the county system has the preference by from 50 to 100 per cent. And I hold that it is the duty of this Legislature in view of the excessive burden of taxation imposed on our people to cut off all unnecessary expenses.

One of the greatest objects to be attained in assessing taxes is equality, and as I believe no one will deny but that the county system has the decided advantage in this respect. I do not deem it necessary to say anything on this point.



With due deference to the opinion of the majority of the committee, I do, for the reasons set forth, hope that the majority report will not be concurred in, and that the bill will be engrossed.

The question being on concurring in the report of the majority of the committee.

Messrs. Clements and Bowman demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Branham, Cavins, Comstock, Cotton, Davisson, Durham, Early, Edwards, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Jefferis, Johnston, Jones, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Parks, Power, Scott, Sherman, Smith of Miami, Stiles, Thompsen of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whiteman and Mr Speaker—42.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Firestone, Gregory, Hancock, Harrison, Hartley, Hunter, Jordan, Keefer, Kelly, Kempf, Lewis, Merrifield, Miller, Nebeker of Warren, Nelson, Newton, Prosser, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Summers, Tebbs, Waterman and Wood—46.

So the report was not concurred in.

Mr. Prosser moved to refer the bill and reports to a select committee of five;

Which was agreed to.

The Speaker appointed Messrs. Prosser, Waterman, Rynerson, Sherman and Scott said committee.

Mr. Rynerson, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred a Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of an act granting lands for agricultural colleges, have had the same under consideration, and direct me to report said Joint Resolution back to the House and recommend its passage.

Which report was concurred in.

The question being shall the Joint Resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotten, Davisson, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—84.

Mr. Harney voted in the negative.

So the Joint Resolution passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Rynerson, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred a resolution in relation to the necessity of a law to prevent the spread of the Canada thistle, have had the same under consideration and direct me to make the following report:

We have no facts in our possession which would warrant us in recommending any legislation on the subject. We therefore recommend its indefinite postponement.

Which was concurred in.

Mr. Edwards, from the committee on benevolent institutions, made the following report:

MR. SPEAKER:

The committee on benevolent institutions, to whom was referred House bill No. 80, entitled "a bill to provide for sites and places for State Houses of Refuge, for the correction and reformation of juvenile offenders, creating a board of commissioners for the same, defining their powers and duties, and that of certain other officers herein named," having considered the same, directed me to report that in consequence of the present embarrassed condition of the

State financially, and the demands of the various institutions for increased facilities, it would not be expedient to legislate on this subject at this time, and therefore recommend that the bill be laid on the table.

The report was concurred in and the bill laid on the table.

Mr. Johnston, from the select committee, made the following report :

MR. SPEAKER :

The select committee of five to whom was referred House bill No. 73, "to enable industrious indigent persons to rent lands," have had the same under consideration, and unanimously instruct me to report the same back without amendment and respectfully recommend its passage.

The question being on ordering the bill to be engrossed.

Mr. Baird moved to amend the title of said bill as follows, to-wit :

"A bill to enable landlords to oppress indigent tenants."

Mr. Parks moved to amend the amendment as follows, to-wit :

"To give landlords a lien on the crops for the payment of rents."

Mr. Power moved to refer the bill and pending amendments to the committee on agriculture.

Which was not agreed to.

Mr. Dobbins moved to make the bill the special order of the day for Tuesday the 8th of February, at 2 o'clock, P. M.

Which was not agreed to.

The question being on agreeing to the amendment to the amendment.

It was not agreed to.

The question then recurring on the adoption of the amendment offered by Mr. Baird.

It was not agreed to.

The question being shall the bill be ordered to be engrossed.

Messrs. Brotherton and Harney demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Boyd, Carr, Claypool, Clayton, Clements, Cotton,



Davisson, Durham, Early, Fordyce, Gifford, Hall of Rush, Hancock, Hunter, Johnston, Lewis, Major, Massey, Merrifield, Murray, Nelson, Newton, Parks, Prosser, Row, Robinson, Shockley, Smith of Miami, Smith of Perry, Stanley, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel and Wood—40.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Bowman, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Dobbins, Dougherty, Edwards, Firestone, Gregory, Griffin, Hall of Grant, Hamilton of Wayne, Harney, Harrison, Hartley, Jefferis, Jones, Jordan, Keef-er, Kelly, Lawhead, McLain, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Power, Ritter, Ry-ner, Scott, Sherman, Shields, Shull, Snyder, Stiles, Turpie, Whiteman, Wildman and Mr. Speaker—48.

So the bill was not ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Durham,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the school law of 1855, requiring the school examiners to specify in the certificate the branches they are qualified to teach, and grade the same by stating 1, 2 and 3 class teachers.

Mr. Firestone moved to suspend the order of business and take up Senate bill No. 60.

Which was agreed to.

#### SENATE BILLS ON THIRD READING.

No. 60. A bill fixing the time of holding courts in the 11th judicial circuit, and prescribing the length in each county thereof.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Boyd, Boxley, Brianham, Brotherton, Carr, Cavins, Clark, Clayton, Claypool, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis,

McLain, Major, Mansfield, Massey, Merrifield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Nelson, Parks, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder. Stanley, Stiles, Summers, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—79.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Harney obtained leave and presented a memorial signed by Robert D. Youal of Montgomery county, in reference to a claim therein named.

On motion,

The memorial was referred to the committee on claims.

On motion by Mr. Boxley,

*Resolved*, That the Superintendent of the Hospital for the Insane be requested to furnish this House with the number of patients in said institution whose friends or guardians pay their expenses or any part thereof, save the amount provided by law, also the amount so received, withholding the names of said patients but specifying the counties from which they came.

Mr. Sherman moved to suspend the order of business and take up bills on second reading.

Which was agreed to.

#### HOUSE BILLS ON SECOND READING.

No. 94. A bill supplemental to an act entitled, "an act to exempt property from sale in certain cases," approved February 17th, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 96. A bill to repeal the second section of an act entitled "an act to authorize the formation of new counties and to change county boundaries," approved March 7th, 1857.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 97. A bill to provide for the election of a superintendent of the public printing, prescribing his duties, term of office and compensation, and repealing all laws conflicting therewith.

Was read a second time, and

On motion,

Laid on the table.

No. 98. A bill to amend "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 18th, 1852.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

Mr. Murray obtained leave and introduced the following resolution :

*Resolved*, That when the House adjourns it adjourn to meet to-morrow at 2 o'clock, P. M., in order that the several committees of this House may attend to the business referred to them.

Which was agreed to.

Mr. Mellett moved that the House do now adjourn ;

Which was not agreed to.

No. 99. A bill to authorize the publication of certain decisions of the Supreme Court and the purchase of six hundred copies thereof by the State.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 100. A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana.

Was read a second time, and

On motion,

Referred to the committee on agriculture.

On motion by Mr. Clements.

The House adjourned until to-morrow 2 o'clock, P. M.



WEDNESDAY, 2 o'clock, )  
January 26, 1859. }

The House met.

The Clerk proceeded to read the journal,  
When,

On motion by Mr. Harrison,  
The further reading was dispensed with.

The hour having arrived, the House resolved itself into committee of the whole on

House bill No. 65. A bill to amend section four of an act entitled "an act concerning interest on money," approved May 27, 1852, so as to allow the receiving of principal and legal interest on contracts for more than legal interest. And, also,

House bill No. 22. A bill to amend the first, second and third sections of an act entitled "an act concerning interest on money," approved May 27, 1852; and the amendment thereto proposed by the committee on the rights and privileges of the inhabitants of this State:

With Mr. Edwards in the chair.

After remaining in session several hours the committee rose and made the following report through Mr. Edwards, their chairman:

MR. SPEAKER :

The committee of the whole House, to whom was referred House bill No. 65, a bill to amend section four of an act entitled "an act concerning interest on money," approved May 27, 1852, so as to allow the recovery of principal and legal interest on contracts for more than legal interest. Also, House bill No. 22, a bill to amend the first, second and third sections of an act entitled "an act concerning interest on money," approved May 27, 1852, and the amendment thereto proposed by the committee on the rights and privileges of the inhabitants of this State, have had the same under consideration, and not having arrived at any definite conclusion have directed me to report progress and ask leave to sit again on Wednesday next at 2 o'clock, P. M.;

In which the concurrence of the House is requested.

On motion,  
The report of the committee was concurred in.

On motion,

Mr. Wheeler was granted leave of absence until Monday next at 2 o'clock, P. M., and Mr. Usrey until Tuesday evening next.

Mr. Hamilton of Boone, moved to suspend the order of business and take up the message from the Senate containing a concurrent resolution in regard to appointing a joint committee to investigate the swamp land frauds;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the following concurrent resolution thereof:

*Resolved*, By the Senate, the House concurring, that a joint committee of the two Houses be appointed, two on the part of the Senate and a like number on the part of the House of Representatives, to inquire into the alleged frauds concerning the swamp lands, with full power to send for witnesses and papers, to administer the necessary oaths, and do all thing necessary to a full examination of the matter, and to receive from the committee on swamp lands the evidence taken at the last session, and adopt the same as a part of their examination, and report to the present session of the General Assembly;

In which the concurrence of the House is respectfully requested.

The question being on concurring in the resolution contained in the foregoing message;

It was agreed to.

The Speaker appointed the following as the committee on the part of the House, viz:

Messrs. Hamilton of Boone and Harney.

On motion by Mr. Hartley,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock,  
January 27, 1859.

The House met.

The Clerk proceeded to read the journal,  
When,

On motion by Mr. Davis,  
The further reading was dispensed with.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Nebeker of Warren,

A petition from sundry citizens of West Lebanon, Warren county, on the subject of temperance;

Which,

On motion,  
Was referred to the committee on temperance.

By Mr. Murray,

A petition signed by Jacob Stainfer and John Stainfer, regarding a claim therein set forth,

Which,

On motion,  
Was referred to the committee on claims.

By Mr. Carr,

A petition signed by sundry citizens of Clark county, in regard to the labor of State prison convicts on a certain plank road in that county.

Which,

On motion,  
Was referred to a select committee of five.

The Speaker appointed Messrs. Carr, Davis, Bowman, Comstock and Sullivan as said committee.

By Mr. Cotton,

A petition signed by sundry citizens of Marion county, in reference to the establishment of agricultural colleges,

Which,

On motion,  
Was referred to the committee on agriculture.



By Mr. Collier,

A petition signed by Henry Winter and others, in reference to the reduction in the price of public printing,

Which,

On motion,

Was referred to the committee on expenditures.

By Mr. Hamilton of Boone,

A petition signed by sundry citizens of Boone county, in reference to a stay law of twelve months.

Which,

On motion by Mr. Hamilton, of Boone,

Was referred to the committee on the judiciary, with instructions to inquire into the expediency of passing such a law.

By Mr. Sullivan,

A petition signed by Thomas Monroe, in regard to reducing the price of public printing,

Which,

On motion,

Was referred to the committee on public expenditures.

By Mr. Shull,

A petition signed by A. M. Godard and others, in regard to reducing the price of public printing,

Which,

On motion,

Was referred to the committee on public expenditures.

By Mr. Mellett,

A petition by sundry citizens of Henry county, complaining of the number of useless dogs in that county with sheep killing propensities, and praying for the enactment of laws on the subject.

By Mr. Hall of Grant,

A petition signed by W. R. Wright and Emily E. Flinn, on the subject of temperance,

Which,

On motion,

Was referred to the committee on temperance.

Mr. Scott moved to suspend the order of business in order to reconsider the vote on the adoption of the resolution in regard to taking five hundred copies of the Brevier Legislative Sentinel.

Mr. Dobbins moved the previous question ;  
Which was seconded by the House.

The question being, shall the main question be now put ?  
It was so ordered.

The question being on suspending the order of business.

Messrs. Hunter and Shield demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Branham, Brotherton, Clark, Claypool, Collier, Comstock, Cotton, Davisson, Devol, Fordyce, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hunter, Jefferis, Johnston, Jones, Kelly, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Tebbs, Thompson of Elkhart, Whetzel and Whiteman—42.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Carr, Cavins, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hancock, Harney, Hartley, Jordan, Kempf, Lawhead, McLain, Massey, Merrifield, Murray, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wood and Mr. Speaker—48.

So the order of business was not suspended.

By Mr. Parks,

A petition by H. B. Falkenbrog, in reference to fees of township officers in State cases,

Which,

On motion by Mr. Parks,

Was referred to the committee on county and township business.

By Mr. Mansfield,

A petition signed by sundry citizens of Carlisle, Sullivan county, on the subject of education,

Which,

On motion,

Was referred to the committee on education.

By Mr. Edwards,

A petition signed by V. P. Hutchinson, of Vigo county, on the subject of improving the breed of cattle,

Which,

On motion,

Was referred to the committee on agriculture.

By Mr. McLain,

A petition signed by H. M. Hyde and others, in regard to enlarging the jurisdiction of justices of the peace,

Which,

On motion,

Was referred to the committee on the judiciary.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Stanfield, from the committee on elections, made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred the contest of the seat of Hon. James B. Firestone, the present sitting member of the House as representative from Huntington and Whitley counties, made by Isaac C. Barker on behalf of Caleb B. Edwards, the competing candidate for this office at the last October election, have had the same under consideration and directed me to make the following unanimous report :

The illegality in the election of James B. Firestone is said to consist in the following specifications :

*First*, That on the 12th day of October, 1858, in the precinct of Huntington township in said county, John Emery, Henry Drovers and Lather Cummins were trustees, Geo. W. Smith, clerk, and S. P. Millington, treasurer of said township, and as such constituting the proper election board ; that said John Emery was President of said board of trustees, and by virtue of his office, inspector of elections of said township ; that on said day said Emery did not appear at or before the hour of eight o'clock, A. M., at the place of holding elections therein ; that a number of qualified voters of said township were present at that time ; that said electors did not appoint an inspector of elections, but on the contrary, one Warren Hickox, who was not a member of said board and who was not appointed by the qualified electors of the township present at the time and place aforesaid, assumed and usurped and continued to hold and exercise the office of inspector of said election on said day, having no legal title or color of title thereto.



*Second*, That the said Warren Hickox who thus assumed and usurped said office of inspector on said day as aforesaid, was permitted by said board to act as such without having first taken the oath required by law before any person legally authorized to administer the same.

*Third*, That the said Warren Hickox, upon the adjournment of the board at twelve o'clock on said day, was permitted to remove, and did remove the ballot-box from the place of holding elections to his residence, and did not return the same till about the hour of one o'clock of said day, without legal authority so to do.

*Fourth*, That after the proper ballots were deposited in said ballot-box in Huntington township, and before the same were counted out and returned, the same were fraudulently changed by some person or persons to this contestor unknown, so as that the said James B. Firestone was declared elected to said office of Representative to the State Legislature of said State, when, in truth and in fact, the said Caleb W. Edwards received the highest number of legal votes, and should have been declared elected to said office.

*Fifth*, That the proper board of canvassers of said county on the 14th day of October, 1858, accepted the returns of said election from said precinct of Huntington township, with the facts of the frauds as aforesaid appearing upon said returns, when in truth and in fact there was no legal election held in said township in this—that there was no legally qualified inspector of said election and there was no legal return, and by accepting and receiving the returns from said township, the said James B. Firestone was declared elected to said office of Representative in the State Legislature of the State of Indiana, when in fact the said Caleb W. Edwards was legally elected thereto, and should have been so declared by said board.

The evidence applicable to the first specification shows that the friends of Mr. Coffroth, the Democratic candidate for Congress, were anxious to have the polls opened early, and, having been informed that Mr. Emery, the inspector, would not be present in time to open the polls by eight o'clock, Warren Hickox was selected by them. He took the oath required by law, went to the place of holding election, and, without any further designation or election by the voters, he proceeded with the other members of the election board, to open the polls and go on with the election.

It does not appear that there were any other electors present at the time of the assembling of the board. No one objected to his acting as such inspector at the time he assumed the discharge of the duties of his office, or at any time during the election. The committee are of the opinion that all irregularity in the constitution of the board, was thereby waived; and that there is nothing to sustain the first specification.

The evidence shows that Hickox was sworn to discharge the duties of inspector before entering upon the discharge of his duties

as such inspector. Wherefore, the committee are of the opinion that the *second* specification is not sustained.

The statute gives the inspector the custody of the ballot-box, and gives it to no one else, and the committee can see nothing unbecoming or improper in the conduct of Mr. Hickox in carrying the ballot-box home with him during the one hour's recess between twelve and one o'clock and returning it again to the board, and more especially when, before receiving the box, he gave the key to it to another member of the board to keep till the box was returned. The committee are therefore of the opinion that the third specification is not sufficient in law.

The committee find more difficulty in disposing of the fourth specification. It is hard to understand precisely what is meant by the charge that the ballots "were fraudulently changed." If it is meant that the names of Republican candidates were stricken out of Republican ballots, and the names of Democratic candidates inserted in their places, then the committee can readily say that no evidence has been adduced before them to prove that fact. But if the charge means, as the committee are led to suppose that it was intended, that Republican ballots had been fraudulently taken out of the box before being counted, and the same number replaced by ballots for the Democratic candidates, then the proof before the committee may be considered as pertinent to the charge in the fourth specification.

The poll books show the whole number of votes cast to be 596. The tally papers show the following vote to have been given for the Republican candidates for State officers, viz: Supreme Judges—Biddle, 183; Hendricks, 182; Yandes, 182; Griswold, 181. Attorney General—Otto, 182. State Treasurer—Harper, 182. State Auditor—Lang, 185. Secretary of State—Peele, 182; John Young, 182. State Senator—DeLong, 191. Representative—Edwards, 184. For Congress—John U. Pettit, 129.

The same papers show the following vote for the Democratic candidates, viz: Supreme Judges—Worden, 409; Davidson, 409; Perkins, 408; Hannah, 409. Attorney General—McDonald, 409. State Treasurer—Cunningham, 409; State Auditor—Dodd, 409; Rug, 409. State Senator—Slack, 417. Representative—Firestone 407. For Congress—Coffroth, 460. It would seem quite evident from the facts above stated, that the true Republican vote of the township was 182, and the Democratic vote 409, unless whole Republican ballots were taken out and entire Democratic ballots of the same number put in. To show this, one hundred and thirty witnesses, who were voters at that election, were examined. Twenty-three of them make *ex-parte* affidavits, and the others gave their depositions and were subject to a cross-examination. From this evidence it will be found that eighty-nine witnesses testify that they voted the entire Republican ticket without any erasure or interlineation upon their ballot. Thirty-one more of them testify that they are not certain whether their ballots had names of



Democratic candidates on them or not. Eight admit that their ballots had names scratched off or others written on, or names stricken out and none written in. Two testify that their ballots had the names of candidates of both parties on them. Mr. Smith, one of the clerks of the election board, and perhaps another witness, testified that after the ballots were all received the box was opened and the straight Republican ballots assorted out and were then counted up, and there was found to be but seventy six, and 337 or 338 unmixed Democratic tickets. Two or three other witnesses testify that after the ballots were all counted and strung, they counted the unmixed Republican tickets and found the number to be 87 certain, and one, a part of which was partly mutilated, so as to be left uncertain whether all the names on it were Republican or not. Twenty-six witnesses were examined on behalf of Mr. Firestone, but as their evidence is applicable to the first, second, and third specifications, with the exception of the evidence of Coffroth, Warren Hickox, Mrs. Hickox, John W. Hickox, Naomi Wager and perhaps A. V. Blair, it will be unnecessary to notice their testimony.

Warren Hickox, the inspector, denies very emphatically that the box was opened by any one before it was opened in the presence of the board to count the ballots.

Naomi Wager, John W. Hickox and Mrs. Hickox all state that they saw Warren Hickox bring the ballot-box into the house where he resided, when he came home to dinner, and set it down, where it remained until he took it up about one o'clock and returned with it to the place of holding the election; that it could not have been removed or opened while there without some of them having seen it done, and that it was not opened or removed from the time it was brought into the house, while there.

Mr. Coffroth testifies that he has no knowledge of the box having been opened or interfered with. There is much other matter in the evidence, but the committee deem a statement of it unimportant to a decision of the merits of the case and therefore do not notice it in this report. It is very evident from the evidence that so far as the county ticket was concerned, there were an unusually large number of what are commonly call split tickets, voted upon both sides; some of them printed and others partly printed and partly written. Those tickets had names of candidates of both parties on them. The evidence shows that there were seventy-two ballots on the Democratic side that were mixed with Republican names, and ninety-five Republican ballots with Democratic names on them. And this, the committee believe, will explain what the Republicans of that township thought to be so mysterious, and to justify them in the belief that the ballot-box had been fraudulently tampered with. And it is quite probable that many who believed they had voted an entire Republican ticket had Democratic names on their ballots for some of the inferior county and township officers. And in counting out those tickets they were



denominated mixed tickets; whereby the number of straight Republican tickets was reduced to 87. But this number is applicable only to officers below Representative, for it sufficiently appears that Mr. Edwards had 184 votes, being two more than the regular Republican vote. The committee are therefore of the opinion that there is nothing in the evidence inconsistent with the fact that every ballot found in the box, either for Mr. Firestone or Mr. Edwards, was there as deposited by the voter.

There is no evidence to sustain the fifth specification.

The committee are therefore of the opinion that James B. Firestone is the legally elected Representative from the counties of Huntington and Whitley.

All of which is respectfully submitted.

Which was concurred in.

Mr. Stiles, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 67, an act relating to the contests of foreign wills and testaments, have had the same under consideration, and a majority of said committee have directed me to report back the same and recommend its passage;

Which was concurred in.

Mr. Colgrove moved to consider the bill as engrossed and read a third time now;

Which was agreed to.

The bill was then read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Bowman, Boyd, Boxley, Brother-ton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Kempf, Kelly, Lawhead, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Madison, Turpie,

Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—86.

No one voting in the negative.

So the bill passed.

Mr. Stiles moved to amend the title as follows, to-wit :

An act supplemental to an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852 ;

Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Mellett, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No 54, a bill to prohibit clerks and deputy clerks from practicing law in courts of which they are clerks or deputies, and declaring it to be a misdemeanor for the clerks of the circuit and common pleas courts to refuse to issue summons and other writs in certain cases, and defining the penalty therefor, have had the same under consideration, and have directed me to report the same back with the following amendment, to-wit .

Strike out the second section and insert the following sections :

SEC. 2. Judges of all courts of record are hereby prohibited from practicing law in any court of justice within this State.

SEC. 3. All laws and parts of laws conflicting with the provisions of this act are hereby repealed.

And when so amended they recommend its passage.

And as a substitute for the second section of said bill, they have directed me to report the following bill to the House and recommend its passage.

On motion by Mr. Parrett,

The bill and report were referred to the committee on the organization of courts of justice.

Mr. Scott, from the committee on the judiciary, made the following report :



MR. SPEAKER :

The judiciary committee to whom was referred House bill No. 17, entitled "an act to prevent the illegal removal of deceased persons or any part thereof, from public or private burying grounds," and prescribing penalties therefor," have had the same, together with an amendment therewith referred, under consideration, and instruct me to report the same back to this House and recommend that the same be indefinitely postponed ;

The report was concurred in and the bill indefinitely postponed.

Mr. Davis, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House bill No. 1, a bill to provide for taking the sense of the qualified voters of the State on calling a convention to alter, amend or revise the Constitution of the State," have had the same under consideration and have made one amendment thereto, which is to strike the same out from the enacting clause and inserting in lieu thereof the following, which, when concurred in, the committee recommend the passage of said bill :

That it shall be the duty of the inspectors and judges of elections, in the several townships in each county in this State, at the annual election in April next, to open a poll in which shall be entered all the votes given for or against the calling of a convention to alter, revise or amend the Constitution of this State.

SEC. 2. Every qualified voter in this State may, if he chooses, at the annual election in April next, vote for or against the calling of a convention for the purpose mentioned in the first section of this act.

SEC. 3. The inspectors of elections, at the several places of voting, shall propose to each voter presenting a ballot, the question, "are you in favor of a convention to amend the Constitution?" and those who are in favor of such convention shall answer in the affirmative, and those who are against such convention shall answer in the negative; which answers shall be duly recorded by the clerks of such election, and the auditors of the several counties shall furnish a poll book with proper columns for that purpose.

SEC. 4. It is hereby made the duty of the inspectors and judges of election to certify the number of votes given for or against a convention, to the clerks of the circuit courts respectively, in the same way and manner, and under the same restrictions and penalties that votes for State and county officers are given and certified.

SEC. 5. It shall be the duty of the clerks of the circuit courts throughout the State, to certify and make returns of all the votes



given for or against a convention; and, also, all the votes that were given at such election, to the Secretary of State, in the same way and manner that votes for Governor and Lieutenant Governor are required by law to be certified. It shall be the duty of the Secretary of State to lay before the Governor all the returns by him received pursuant to the provisions of this act.

SEC. 6. It shall be the duty of the several sheriffs in this State to give six weeks' notice in a newspaper, if one is published in his county, if not, then by written notices in each township of his county, that there will be a poll opened for the purpose specified in this act.

SEC. 7. If a majority of the people voting at said election shall vote in the affirmative, it shall be the duty of the Governor to make proclamation of such vote, and in that case there shall be elected delegates to a convention at the time and in the manner hereinafter provided.

SEC. 8. If a majority of the people voting at said election in April next shall vote in the affirmative, and proclamation of such vote being made as specified in the seventh section of this act, the citizens of this State qualified by law to vote for members of the General Assembly, shall meet at their respective places of holding elections in the several counties of this State on the second Tuesday in October next, and proceed to elect delegates to constitute a convention for the purpose of considering the Constitution of this State, and making such amendments to, alterations of, and changes in the same, as they may deem proper; which amendments shall afterwards be submitted to a vote of the people of this State, to be by them ratified or rejected.

SEC. 9. Said convention shall consist of fifty delegates, one to be elected from each Senatorial District, who shall be a resident thereof, at the time of his election, said delegates shall be elected in the same manner as members of the General Assembly, and the election of said delegates shall be returned and certified in the same manner as required by law for electing members of the General Assembly.

SEC. 10. Said election, when not otherwise provided for in this act, shall be conducted and the poll books kept in the manner prescribed by law for the election of members of the General Assembly, and the several provisions of the statute in relation to illegal voting and false swearing, shall govern the election under this act.

SEC. 11. In case of contested or disputed elections of delegates to said convention, the contesting candidate, or other person contesting said election, shall pursue the same course and be governed in all things by the same rules and regulations as are now provided by law in cases of disputed or contested elections of members of the General Assembly of this State.

SEC. 12. The delegates who shall be elected as aforesaid, shall assemble in convention at the Capitol in the city of Indianapolis, on the second Tuesday in November, 1859, and organize by elect-

ing a president and all other officers necessary. It shall be the duty of the Secretary of State to attend the said convention on the opening thereof, to call over the lists of districts and counties, receive the credentials of the delegates, and generally to perform the like duties in the organization of the same that are usually discharged by the officer whose duty it is by law to attend to the organization of the House of Representatives of this State at the commencement of its sessions, and should the Secretary of State fail to attend in person or by deputy, at ten o'clock A. M. of said day, then it shall be the duty of the Auditor of this State to attend for such purpose, and it shall be the duty of the State Librarian to prepare the Hall of the House of Representatives for the reception and sittings of said convention.

SEC. 13. The said delegates, before entering upon the discharge of their duties, shall each be duly sworn or affirmed to support the Constitution of the United States, and also faithfully and to the best of their respective abilities, to perform the duties of their offices; which oath or affirmation may be administered to them by any judge of the supreme or judge of the circuit courts of this State, and should no such judge be in attendance at the opening of the sitting of said convention, then by any officer of the county of Marion, duly authorized by the laws of this State to administer oaths or affirmations.

SEC. 14. The members of said convention shall enjoy the same privileges in going to, attending upon and returning from said convention, that members elected to and attending on the General Assembly are entitled by law. Said convention shall be the judge of the elections, returns and qualifications of its own members; it shall possess the same power to adopt rules, expel a member for disorderly conduct, and punish contempt, that is now exercised by either House of the General Assembly in similar cases. A majority of the members shall constitute a quorum to do business, but a smaller number may adjourn from day to day and take measures to compel the attendance of absent members. And the president, members and secretaries of the convention, shall be allowed the use of the books in the State Library in the same manner and upon the same conditions that the members of the General Assembly are allowed the use thereof.

SEC. 15. In case of the death or resignation of any member of said convention, the Governor of this State shall issue a writ of election, directed to the sheriff or sheriffs of the proper counties, directing a special election to be held to fill such vacancy, in the same manner now prescribed by law for supplying vacancies in the General Assembly of this State. The members of said convention shall receive three dollars per day while actually attending upon the sittings of said convention, and shall be allowed the like compensation for their travel as members of the General Assembly are allowed by law; and their secretaries, officers and attendants shall be paid the same compensation as the officers of the General



Assembly of this State are paid for similar services, which pay, together with the expenses of the convention, shall be certified by the president of the convention and shall be paid by the Treasurer of this State on the warrant of the Auditor of public accounts.

SEC. 16. The Secretary of State and all other officers in this State shall furnish said convention with all such papers, statements, statistical information, copies of records or public documents in their possession, as the said convention may order or require, and it shall be the duty of the proper officer or officers to furnish the members with all such stationery as is usual for the General Assembly while in session, which shall be paid for on certificate of the President in like manner as the contingent expenses of the House of Representatives are now paid by law.

SEC. 17. The roll containing the draft of the amended Constitution, adopted by said convention, and the proceedings of said convention, shall be deposited by the president and secretary thereof, in the office of Secretary of State, who shall file the same and cause said constitution to be entered of record in his office; and said convention may submit one or more of the amendments which they may propose to the constitution as distinct propositions, to be voted upon by the people separately or together, as to them may seem expedient.

SEC. 18. It shall be the duty of the Secretary of State, so soon as the same is recorded in his office, to deliver to the Governor of this State a certified copy of said amended constitution, who shall on the meeting of the General Assembly of this State, at its next session, lay the same before them, and it shall be the duty of the said General Assembly to pass all laws necessary and proper for submitting the same to the qualified voters for their approval or rejection, and also for organizing the government under the amended constitution, in case the same should be adopted and ratified by such voters.

SEC. 19. It shall be the duty of the Secretary of State to cause immediately three thousand copies of this act to be printed, and forthwith forwarded by mail, not less than twenty nor more than thirty copies thereof, to the clerk of each of the counties in this State, who shall cause the sheriff of the county to deliver one or more of said copies to each inspector of elections in said county, and said clerk shall certify to the sheriff that the delegates are to be elected, and the said sheriff shall give notice of said election in the same manner now provided by law in regard to the election of members of the General Assembly of this State.

SEC. 20. It shall be the duty of the Secretary of State to propose and have printed blank forms of the caption of the poll books and the returns required of the inspectors and judges of elections; the certificates required of the county canvassers, clerks and sheriffs, and all other forms required by this act, and which may be necessary and proper to carry the same into full effect, which shall be added by way of appendix to this act, and it shall



be the duty of the clerk in each county to cause a suitable number of blank forms of poll books, with proper captions and forms of the returns required to be made by the inspector and judges of the election to be made out, conforming them to those prescribed by the Secretary of State, and deliver them to the sheriff of said county, and said sheriff shall at least twenty days previous to the election, deliver one or more copies thereof to each inspector of elections in the several townships in the county.

SEC. 21. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore this act shall take effect and be in force from and after its passage and its publication in the Indiana State Journal and Indiana State Sentinel.

Mr. Clements move to lay the bill on the table and print 300 copies for the use of the House.

Which was not agreed to.

Mr. Hunter moved to recommit the bill to the committee on the judiciary with the following instructions, viz :

Strike out the words "one delegate from each Senatorial District," and insert "one delegate from each Congressional District, and two delegates from the State at large."

Mr. Shull moved to amend the proposed instructions as follows :

Strike out the words "one for each Senatorial District." and insert "one for each Representative District."

Mr. Davis moved that the bill and pending motion be made the special order of the day for to-morrow, Friday afternoon, at two o'clock, P. M.

Which was agreed to.

Mr. Edwards moved that Mr. Blythe be added to the special committee on colonization,

Which was agreed to.

On motion by Mr. Jordan,  
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Murray moved a call of the House.  
Which was ordered.

The clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Claypool, Clements, Collier, Cotton, Dobbins, Dougherty, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Robinson, Row, Ryner, Shockley, Shull, Smith of Miami, Snyder, Stanfield, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Wood and Mr. Speaker—67.

On motion by Mr. Baird,  
The further call of the House was suspended.

Mr. Baird, under a postponement by the House of the special order of the day, introduced House bill

No. 134. A bill to amend the first section of an act entitled "an act concerning real property and the alienation thereof," approved May 6th, 1852.

Which was read a first time and passed to a second reading.

Mr. Edwards, under a postponement by the House of the special order of the day, introduced House bill

No. 135. A bill dispensing with the giving of a bond by an executor or executrix, as a condition to the grant of letters testamentary, where the testator shall have declared in any last will or codicil, that the person appointed by such will or codicil, might execute the same without giving such bond.

Which was read a first time and passed to a second reading.

Mr. Merrifield was granted leave of absence until Monday morning.

Mr. Boyd, under a postponement by the House of the special order of the day, introduced House bill

No. 136. A bill for the protection of the sidewalks in towns and villages, and for the preservation of shade trees planted along the same.

Which was read a first time and passed to a second reading.

Mr. Cotton, under a postponement of the special order of the day, introduced House bill

No. 137. A bill to amend the twenty-fourth section of an act entitled "an act concerning real property and the alienation thereof," approved May 6th, 1852, and adding an additional section legalizing conveyances heretofore made by married women under the age of twenty-one years.

Which was read a first time, and passed to a second reading.

Mr. Blythe, under postponement by the House of the special order of the day, introduced House bill

No. 138. A bill declaratory of the meaning of the first section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate and contest thereof," approved May 31st, 1852, and to legalize all wills made by married women in pursuance of said act since the taking effect thereof.

Which was read a first time and passed to a second reading.

Mr. Mansfield, under a postponement by the House of the special order of the day, made the following report from the select committee to which was referred House bill No. 29.

MR. SPEAKER:

The select committee to whom was referred House bill No. 29, to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act, have had the same under consideration and instructed me to make the following amendment thereto, viz: Strike out all after the enacting clause and insert the following in lieu thereof, and when so amended the committee recommend its passage.

That no person shall sell or barter, either directly or indirectly, any spirituous, vinous, malt or intoxicating liquors by a less quantity than one gallon at a time within this State, without first procuring from the board of commissioners of the county in which such liquors are to be sold, a license as hereinafter provided.



SEC. 2. Any white male inhabitant desiring to obtain license to sell spirituous, vinous, malt or intoxicating liquors, shall give notice to the citizens of the township in which he desires to sell, by publishing in a weekly newspaper in the county a notice, stating in said notice the precise location of the premises in which he desires to sell, at least twenty days before the meeting of the board at which the applicant intends to apply for license; or in case there is no such newspaper in such county, then by pasting up written or printed notices in three of the most public places in the township in which he desires to sell, for at least twenty days before the meeting of such board, and it may be the privilege of any inhabitant of said township to remonstrate in writing against the granting of said license to any applicant on account of immorality or other unfitness.

SEC. 3. The board of county commissioners at such term shall grant a license to such applicant upon his showing to the satisfaction of said board of commissioners that he has given the notice as above required, and that he is a man of good character, and fit to be trusted with this privilege, and upon his giving bond payable to the State of Indiana, with at least two free-hold sureties, residents within said county, to be approved by the county auditor in the sum of five hundred dollars, conditioned that he will keep an orderly and peaceable house, and that he will pay all fines and costs that may be assessed against him for any violation of the provisions of this act, which bond shall be filed with the auditor of said county.

SEC. 4. Such applicant shall, before license shall issue to him, be required to pay to the treasurer of said county not less than twenty nor more than five hundred dollars, to be determined by the board of county commissioners, as a fee for license for one year. When any amount is paid for license in any incorporated town or city, that amount shall be deducted from the amount required by the county commissioners. All amounts received for licenses, either fixed by county commissioners or town or city authority, shall be paid into the common school fund, in the county where paid.

SEC. 5. Upon the execution of the bond as required in the third section of this act, and the presentation of the order of the board of commissioners granting him license and the county treasurer's receipt for the fee as aforesaid, the county auditor shall issue a license to the applicant for the sale of spirituous, vinous, malt and intoxicating liquors by a less quantity than one gallon at a time, which license shall specify the name of the applicant, the place of sale, and the period of time for which such license is granted.

SEC. 6. No license as herein provided shall be granted for a greater or less time than one year.

SEC. 7. A license granted under the provisions of this act shall not authorize the person so licensed to sell any spirituous, vinous, malt or other liquors on Sunday, nor to any person under the age

of twenty-one years, nor to a person or persons in a state of intoxication, or to any female.

SEC. 8. If any person licensed to sell liquors, shall sell, barter or give away to a person in the habit of getting intoxicated, after he has been notified not to do so by the wife of such person, the person so offending shall, upon conviction thereof, be fined in any sum not less than five nor more than one hundred dollars for each offence.

SEC. 9. Any person not being licensed according to the provisions of this act, who shall sell or barter, directly or indirectly, any spirituous, vinous, malt or intoxicating liquors, to be drank or suffered to be drank in his house, out-house, garden, or the appurtenance thereto belonging, or who shall sell or barter any such spirituous, vinous, malt or intoxicating liquor by a less quantity than a quart at a time, shall be fined in any sum not less than five nor more than one hundred dollars, to which the court or jury trying the cause may add, imprisonment in the county jail for any determined period not exceeding three months.

SEC. 10. If any person shall sell or give away any spirituous, vinous, malt or intoxicating liquor to any person under the age of twenty-one years, or to any person at the time in a state of intoxication, the person so offending shall be fined not less than five nor more than one hundred dollars, to which the court trying the cause may add imprisonment in the county jail for any determined period of time not exceeding three months.

SEC. 11. Any person who shall adulterate any spirituous, vinous, malt or intoxicating liquors, which are intended for sale, by the admixture of any deleterious substance therewith, or any person who shall offer for sale or sell any spirituous, vinous, malt or intoxicating liquor, which shall have been so adulterated as aforesaid, on conviction thereof, shall be fined in any sum not less than fifty dollars nor more than one hundred dollars, to which the court or jury trying the cause may add imprisonment in the county jail for any determinate period of time not exceeding three months.

SEC. 12. Every place, house, room, arbor or shed wherein spirituous, vinous, malt or intoxicating liquors are sold or given away, or suffered to be drank, if kept in a disorderly manner, shall be deemed a common nuisance, and the keeper thereof, upon conviction, shall be fined in any sum not less than fifty dollars nor more than two hundred dollars, to which may be added by the court or jury trying the cause, imprisonment in the county jail for any determinate period of time not exceeding three months: *Provided*, That no prosecution shall be instituted or maintained against any person for any violation of any of the provisions of this act, occurring between the time when it shall take effect and the close of the first regular session of the board of county commissioners of the proper county thereafter.

SEC. 13. Courts of common pleas and circuit courts, within



their respective jurisdictions, shall have concurrent jurisdiction to hear and determine all complaints for the violation of any of the provisions of this act, and the grand juries of the several circuit courts shall have, and it is hereby made their duty to take cognizance of all offences against its provisions, as in case of felonies, and the circuit courts shall give this act in charge to the grand jury.

SEC. 14. Justices of the peace, within their respective counties, shall have jurisdiction to try and determine all cases arising under the provisions of this act. *Provided*, That if in the opinion of the justice or jury trying any such case, a fine of twenty-five dollars shall be an inadequate punishment for such violation, then the justice in such case shall recognize the party in sufficient bond and surety to appear at the next term of any court of competent jurisdiction to answer said charge.

SEC. 15. Nothing in this act shall be so construed as to prohibit druggists from selling intoxicating liquors in less quantities than a gallon for medicinal purposes.

SEC. 16. All laws and parts of laws coming in conflict with any of the provisions of this act, be and the same are hereby repealed.

Mr. Edwards moved to refer the bill to the committee of the whole House.

Which was agreed to.

The House then resolved itself into committee of the whole, with House bill No. 29 under consideration, with Mr. Edwards in the chair.

After being in session some time the committee rose and made the following report through their chairman:

MR. SPEAKER:

The committee of the whole House to whom was referred bill No. 29, "a bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors; to prevent drunkenness and crime; to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act," have had the same under consideration, and have directed me to recommend the following amendments thereto, after the adoption of which they recommend the passage of the bill:

Amend the third section by striking out the words, "this privilege," and inserting in lieu thereof the following, "said license."

Amend fourth section by striking out "twenty dollars" and inserting "fifty dollars."



Amend section four by striking out "five hundred dollars," and inserting "one thousand dollars."

Amend section seven by inserting immediately after the word "Sunday," in line second thereof, the following words:

"Nor upon the day of any State, county, township or municipal election in the township or city where the same may be holden."

Amend section eight by adding the following:

"Every person who shall, by himself or agent, directly or indirectly, knowingly sell, barter or give away any spirituous or intoxicating liquors to any person who is in the habit of being intoxicated, shall upon conviction be fined not less than five nor more than fifty dollars."

Amend by adding the following to section fourteen:

"Nothing contained in this act shall be so construed as to prohibit the sale in any quantity by the manufacturer of wine and cider, manufactured from fruits grown by the manufacturer in this State."

Add the following sections :

SEC. 15. It shall be the duty of the proper district or city attorney, when informed of a violation of any of the provisions of this act, within their respective districts, immediately institute and prosecute legal proceedings against the person against whom complaint is made, and on failure or neglect of any district, city or town attorney to prosecute as herein required, any other attorney at law or citizen may institute and prosecute said cause to a final adjudication.

SEC. —. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

On motion,

The report was concurred in and the amendments adopted.

The bill as amended was then ordered to be engrossed for a third reading.

On motion by Mr. Stanfield,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }  
January 28, 1859. }

The House met.

On motion by Mr. Murray,  
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Murray,

A petition from Joel Ellis of Elkhart county, in reference to a certain claim therein named.

Which,

On motion,

Was referred to the committee on claims.

Mr. Speaker laid before the House,

A petition signed by Andrew W. Jones, asking damages for the location of the Central Canal through his land.

Which,

On motion,

Was referred to the committee on claims.

The Speaker laid before the House the following communication from the Auditor of State :

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, January 27, 1859. }

HON. J. W. GORDON,

*Speaker of the House of Representatives :*

SIR:—In reply to a resolution adopted by the House on the 26th of November last, in relation to the accounts audited in favor of the present incumbent of the Supreme Clerk's office, I have the honor to submit the following statement:

There has been audited in favor of William B. Beach, from the 12th of October, 1852, the date of his commission, to the present time:

On account of fees in State cases.....	\$1,703 81
On account of amount allowed by section 7 of specific appropriation bill of 1855.....	59 10
On account of stationery, furniture, &c. ....	1,207 93
For transcribing records under act of February 7th, 1855.....	1,742 62
Total amount.....	<u>\$4,713 46</u>

An abstract showing the items of these accounts is herewith transmitted.

I am sir, very respectfully,  
 your obedient servant,  
 JOHN W. DODD,  
*Auditor of State.*

On motion,  
 The communication was referred to the committee on ways and means.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
 Indianapolis, January 26, 1859. }

HON. J. W. GORDON,

*Speaker of the House of Representatives:*

SIR:—In reply to a resolution adopted by the House on the 26th of November last, in regard to the amounts audited in favor of Joseph A. Wright and Ashbel P. Willard, during their respective terms as Governor, and the amount of expenditures on account of the Governor's house during the same time, I have the honor to submit the following statement:

There was audited in favor of Joseph A. Wright from November 1st, 1851, to July 11th, 1857:

On account of salary.....	\$7,885 32
On account of services in relation to swamp lands..	3,951 92
On account of expenses to Washington.....	94 25
On account of expenses to Washington and New York .....	274 50
On account of furniture, fuel, &c., under section 45 of specific appropriation bill of 1857.....	1,206 75
On account of premiums drawn by him as President of the State Board of Agriculture ...	4,500 00
On account of postage.....	294 40
On account of miscellaneous items.....	542 25
Total on all accounts.....	<u>\$18,759 39</u>



There has been audited in favor of Ashbel P. Willard during the two years of his term, ending January 9th, 1859:

On account of salary.....	\$3,000 00
On account of swamp land services.....	1,970 75
On account of expenses to Washington.....	75 00
On account of expenses to State Prison seven times.....	70 00
On account of expenses to Starke and Jasper counties in relation to swamp lands.....	44 00
On account of postage.....	351 50
On account of contingent fund.....	500 00
On account of miscellaneous items.....	91 25
Total on all accounts.....	<hr/> \$6,102 50

There was expended on account of the Governor's house from November 1st, 1851, to January 9th, 1857, the expiration of Gov. Wright's term of office, the sum of \$5,673 66.

There has been expended on Governor's house during the two years of Gov. Willard's term, ending January 9th, 1859, the sum of \$2,770 42.

I transmit herewith abstracts showing the items of which the above aggregates are composed.

Very respectfully,  
JOHN W. DODD,  
*Auditor of State.*

On motion,  
The communication was referred to the committee of ways and means.

Mr. Davis moved to suspend the order of business for the general introduction of bills.

Which was agreed to.

Messrs. Shields, Parrett, Stinson, Keefer and Lawhead were granted leave of absence until Wednesday next.

#### BILLS INTRODUCED.

By Mr. Davis,

No. 139. A bill to amend the twenty-ninth section of the fifth article of chapter first, part third, of the revised statutes of 1852.

Which was read a first time and passed to a second reading.

By Mr. Parks,

No. 140. A bill to amend part of section two, and to amend section four of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matter as properly pertains thereto, and to repeal all laws coming in conflict with the provisions of this act.

Which was read a first time and passed to a second reading.

By Mr. Edwards,

No. 141. A bill to authorize the formation of limited partnerships, and fixing the liabilities of the several parties and prescribing the proceedings against them.

Which was read a first time and passed to a second reading.

By Mr. Davis,

No. 142. An act to authorize the boards of county commissioners of the several counties of this State to make such an allowance out of the county treasury of their respective counties as will indemnify the owners of property for losses sustained by the taking, conveying away or destruction of such property by any officer under or by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the case therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16th, 1855, and recompense the officers named in said act who in good faith have executed the provisions thereof, and been subjected to loss thereby.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Boone,

No. 143. A bill to legalize the appraisement and assessment of property in the cities of this State, and the making out and delivery of the tax duplicates in the cities of this State, incorporated under the act of 1857.

Which was read a first time and passed to a second reading.

By Mr. Snyder,

No. 144. A bill to authorize railroad companies to issue bonds, fix the rate of interest thereon, to sell or exchange the same, and to secure the payment thereof, and to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchaser or purchasers; to provide

for a new stock, the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities.

Which was read a first time and passed to a second reading.

By Mr. Smith of Perry,

No. 145. A bill to provide additional security to the bond holder and the people of the State in the issuing certificates of stock for the original bonds of the State.

Which was read a first time and passed to a second reading.

By Mr. Blythe,

No. 146. A bill to amend the twenty-second section of an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Mansfield,

No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of its shares, and to issue certificates therefor.

Which was read a first time and passed to a second reading.

By Mr. Black,

No. 148. A bill entitled a bill to amend sections eighteen and nineteen of an act entitled "an act prescribing the powers and duties of Justices of the peace in State prosecutions," approved May 29th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Black,

No. 149. A bill amendatory of an "act concerning the partition of lands," approved May 20th, 1852, to amend sections eleven and twelve thereof.

Which was read a first time and passed to a second reading.

By Mr. Stanfield,

No. 150. A bill to amend sections 44, 152, 173, 199, 322 and 638 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide



for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication from the Superintendent of the institution for the deaf and dumb:

INDIANA INSTITUTE FOR THE DEAF AND DUMB, }  
Indianapolis, January 28, 1859. }

HON. JONATHAN W. GORDON,

*Speaker of the House of Representatives:*

SIR:—I have the honor to submit the fifteenth annual report of the trustees and superintendent of the Indiana institution for educating the deaf and dumb, the same being for the year 1855.

Very respectfully,

THOS. MAC INTIRE,  
*Superintendent.*

Mr. Branham moved that the Public Printer be directed to supply this House with the number of copies contemplated by law of the report of the superintendent of the institution for the education of the deaf and dumb.

Which was agreed to.

By Mr. Whiteman,

No. 151. A bill to repeal the fifteenth section of an act entitled "an act concerning promissory notes and bills of exchange."

Which was read a first time and passed to a second reading.

By Mr. Davis,

No. 152. A bill to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for the admissibility in evidence of the same or copies thereof.


Which was read a first time and passed to a second reading.

By Mr. Hancock,

No. 153. A bill to amend the thirty-fourth section of the forty-eighth chapter of volume one of the revised statutes of 1852, entitled "an act to provide for the opening, vacating and changing of public highways," approved June 17th, 1852, and establishing the width of township highways.

Which was read a first time and passed to a second reading.

By Mr. Eastham,

 No. 154. A bill fixing the time of holding the circuit courts in the Third Judicial Circuit.

Which was read a first time and passed to a second reading.

By Mr. Claypool,

No. 155. A bill providing for the taxation and collection of docket fees in all civil actions in the circuit or common pleas court,

Which was read a first time and passed to a second reading.

By Mr. Harrison,

No. 156. A bill authorizing appeals from circuit courts to the Supreme court in contested election cases.

Which was read a first time and passed to a second reading.

By Mr. Boyd,

No. 157. A bill securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings and the earnings of their minor children in certain cases.

Which was read a first time and passed to a second reading.

By Mr. Baird,

No. 158. A bill to provide for the management and disposal of the estates of persons who have mysteriously disappeared or who have deserted their families without having made any legal provision for the care of such estates and the support of their families.


Which was read a first time and passed to a second reading.

By Mr. Stiles,

No. 159. A bill to regulate the descent of the wife's personal property on her death.

Which was read a first time and passed to a second reading.

By Mr. Davis,

 No. 160. A bill to amend the first section of an act entitled "an act providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished," approved February 12th, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of judges for

holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same.

Which was read a first time and passed to a second reading.

By Mr. Parks,

No. 161. A bill to repeal an act entitled "an act providing for the colonization of negroes and mulattoes and their descendants, and appropriating \$5,000 therefor, constituting a State Board of Colonization, declaring the duties of said Board, and of State Treasurer and county treasurer in relation thereto," approved April 28th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Harney,

No. 162. A bill to amend section four of an act entitled "an act to provide for the election and certain of the duties of the prosecuting and district attorneys."

Which was read a first time and passed to a second reading.

By Mr. Mellett,

No. 163. A bill to regulate the collection of judgments and the sale of property on execution against sheriffs, constables or other public officer, administrator, guardian, executor or any other person or corporation receiving or holding money in a fiduciary capacity, or the sureties of any or either of them.

Which was read a first time and passed to a second reading.

By Mr. Parks,

No. 164. A bill to repeal the 364th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to repeal all laws coming in conflict with this act.

Which was read a first time and passed to a second reading.

By Mr. Gregory,

No. 165. A bill to amend the eighteenth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852.

Which was read a first time and passed to a second reading.



Mr. Prosser, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 52, providing for the election and qualification of county assessors, have had the same under consideration and directed me to report the same back to the House with the following amendments, after the adoption of which they recommend the passage of said bill:

Amend section two by striking out all after the word "therein," in the ninth line from the top, and insert the following, to-wit:

"Said elections shall be conducted in all respects as other general elections, and it is hereby made the duty of the board of canvassers of the proper county to certify to the auditor of said county the person receiving the highest number of votes for the said office of assessor, and said auditor shall give to the person so elected a certificate of his election.

Add the following section:

SEC. —. Said assessor shall have power to appoint a deputy or deputies, said deputy or deputies shall give bond and take the oath of office as is required of the principal.

The report was concurred in and the amendments adopted.

The bill was then ordered to be engrossed.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 134. A bill to amend the first section of an act entitled "an act concerning real property and the alienation thereof," approved May 6th, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Ritter, by consent of the House, submitted the following communication from the Commissioner of Indian affairs, transmitted to him through the Department of the Interior, and through the Representative in Congress from the Sixth Congressional District:

DEPARTMENT OF THE INTERIOR, }  
Office Indian Affairs. }

SIR:—I have the honor to report for your consideration the con-

dition of the following stock held for the Indian account, viz: \$70,000, 5 per cent. Indiana; \$68,000 of which is held for the use and benefit of the Chippewas, Ottawas and Pottawottamies, and \$2,000 for incompetent Chickasaws. The last payment of interest on this stock by the State of Indiana, was on the 12th of July, 1855, when the sum of \$1,346 80 was collected, less, however, \$403 20 than was due up to the 1st of July of that year. The arrears of interest therefore due and unpaid on this stock up to the 1st of January, 1859, amounts to the sum of \$12,403 20.

The non-payment of this interest has much embarrassed the Department, as the demands have been constantly before this office by the parties interested, and I have to recommend that an appropriation be asked from Congress to the amount of the interest accrued on this stock as above specified, to be reimbursed to the Treasury when the State of Indiana shall pay up her indebtedness on account thereof.

I have also respectfully to suggest the propriety of calling the attention of the Senators and Representatives in Congress from Indiana to the condition of this stock, and requesting them to use their influence towards effecting an early adjustment of said arrears of interest.

Very respectfully,

Your obedient servant,

J. W. DENVER,

*Commissioner.*

On motion,

The communication was referred to the committee on ways and means.

Mr. Gifford obtained leave and offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to take into consideration the condition of the stock held for the Indian account against this State, for the use and benefit of the Chippewas, Ottawas, Pottowatomies and Chickasaws, and to report at an early day whether any legislation is necessary to secure the prompt payment of the interest on said stock.

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 30. . A bill to provide for the transferring of the certificates of stock of the State of Indiana, providing for the registry of the same, and to prevent a fraudulent issue thereof, and providing a punishment for violation of the provisions of this act.

In which the concurrence of the House is respectfully requested.

Senate bill No. 30, referred to in the foregoing message, was read a first time and passed to a second reading.

Message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, viz :

Senate bill No. 116. A bill to repeal all laws now in force establishing the times of holding circuit courts in the Second Judicial circuit, and to fix the times of holding said courts.

Senate bill No. 1. A bill to amend the sixth, seventh, twelfth, nineteenth and twentieth sections of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, approved May 13th, 1852, and providing for the opening decrees in cases therein specified, and the time when the act shall take effect.

Senate bill No. 107. A bill to authorize appraisers of real property and their deputies to administer all oaths and affirmations required to be administered in the discharge of their official duties.

Senate bill No. 8. An act to amend the first section of an act entitled "an act concerning real property and the alienation thereof," approved May 6th, 1852.

In which the concurrence of the House is respectfully requested.

All the bills contained in the foregoing message were each read a first time and passed to a second reading.

Mr. Dobbins, from the committee on the organization of courts, obtained leave and made the following report :

MR. SPEAKER :

The committee on the organization of courts of justice, to whom was referred House bill No. 30, it being a bill to repeal an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensating the judges thereof, approved June 11, 1852," have had the same under consideration, and have unanimously directed me to report the same back to the House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.



A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed :

House bill No. 12. A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failing to redeem any such currency." With sundry engrossed amendments thereto ;

In which the concurrence of the House is respectfully requested.

The question being on concurring in the amendments ;

Mr. Stanfield moved to refer the bill and amendments to a select committee of three.

Mr. Scott moved to amend by referring the bill and amendments to the committee on banks ,

Which was not agreed to.

The question then being on the motion to refer to a select committee of three ;

It was agreed to.

The Speaker appointed Messrs. Stanfield, Martin and Blythe said committee.

Mr. Mansfield obtained leave and offered the following resolution :

*Resolved*, That the doorkeeper be instructed to inquire why the resolution of this House, ordering the printing of the State Teachers report, has not as yet been complied with ;

Which was agreed to.

Mr. Sherman moved to suspend the order of business and take up House bill No. 118 ;

Which was agreed to.

House bill No. 118. A bill to provide penalties, and prescribing punishment for the officers of any banking institution failing to pay deposits, or redeem their bills on presentation ;

Was read a second time.

Mr. Sherman moved to refer the bill to a select committee of five ;

Which was agreed to.

The Speaker appointed Messrs. Sherman, Mellett, Davis, Harney and Branham said committee.

Mr. Murray moved to suspend the order of business, in order to introduce

Joint resolution No. 16. A joint resolution on the subject of the Wabash and Erie Canal;

Which was read, and,

On motion by Mr. Dougherty,

Was postponed until the second Friday in February next, at 2 o'clock, P. M., and made the special order at that hour.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House

Senate bill No. 60. A bill fixing the time of holding courts in the eleventh judicial circuit, and prescribing the length in each county thereof; for the signature of the Speaker thereof.

Mr. Turpie obtained the consent of the House, and introduced the following resolution:

*Resolved*, That the committee on education be instructed to inquire into the expediency of providing by law that the voters of a school district shall have it in their power to select their own teacher and the location of their school-house, instead of leaving said subject under the control of the trustees of the township as is now the law.

Which was agreed to.

Mr. Durham obtained the consent of the House, and introduced the following resolution:

*Resolved*, That the committee on education be instructed to inquire into the expediency of the passage of a law authorizing the sale of the State University, and applying the proceeds thereof to the use of common schools;

Which,

On motion by Mr. Harney,  
Was laid on the table.

Mr. Stiles, under a suspension of the order of business, made the following report from the committee on the organization of courts :

MR. SPEAKER :

The committee on the organization of courts, to whom was referred resolution No. 30, relative to the taking of appeals from the common pleas to the circuit courts of this State, have had the same under consideration, and have directed me to report to the House, that, in the opinion of the committee, legislation upon this subject at this time is inexpedient.

Which was concurred in.

Mr. Jeffries, from the committee on trust funds, obtained leave and made the following report :

MR. SPEAKER :

The committee on trust funds, to whom was referred House bill No. 59, "an act to extend to ex-borrowers of sinking fund, surplus revenue fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto," have had the same under consideration, and direct me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hamilton, of Boone, under a suspension by the House of the order of business, made the following report from the committee on swamp lands :

MR. SPEAKER :

The committee on swamp lands, to whom was referred House bill No. 70, "a bill to make certain appropriations for constructing calumet canal or ditch, and draining swamp lands adjacent, &c.," have had the same under consideration, and directed me to report the same back, with the following amendment : after the word "and," in the thirteenth line of the first section, insert the word "thereby," and when so amended, recommend its passage.

The report was concurred in and amendments adopted ; the bill was then ordered to be engrossed.

Mr. Stanfield, from the committee on the organization of courts, obtained leave and made the following report :



MR. SPEAKER:

The committee on the organization of courts, to whom was referred House bill No. 31, to amend the second section of an act entitled "an act to fix the time of holding the circuit court in the ninth judicial circuit, approved March 1, 1853," have had the same under consideration, and have made the following amendment by striking out all after the enacting clause and inserting in lieu thereof, and when so amended the committee recommend its passage,

An act to fix the time of holding the circuit courts in the ninth judicial circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts shall be held in the county of Marshall on the second Monday of February and August in each year: in the county of Fulton on the Mondays succeeding the courts in the county of Marshall; in the county of Pulaski on the Mondays succeeding the courts in the county of Fulton: in the county of Starke on the Mondays succeeding the courts in the county of Pulaski; in the county of Lake on the Mondays succeeding the courts in the county of Starke; in the county of Porter on the Mondays succeeding the courts in the county of Lake; in the county of St. Joseph on the Mondays succeeding the courts in the county of Porter; and in the county of Laporte on the Mondays succeeding the courts in the county of St. Joseph.

SEC. 2. The terms of the said courts, if the business requires it, shall be in Laporte county three weeks; in St. Joseph, Marshall and Porter counties two weeks, and in the counties of Fulton, Pulaski, Starke and Lake one week each.

SEC. 3. All processes made returnable to any of the circuit courts of the counties aforesaid at the times heretofore fixed for holding the session thereof, shall be, and the same are hereby made returnable to the first days of the terms of said courts respectively as fixed by this act. And all notices to appear in any of said courts at the terms heretofore fixed for the holding the session thereof, shall be notices to appear therein at the times fixed by this act.

SEC. 4. In as much as the time of holding the terms of said courts is changed, and the term of said court in Porter county is extended to two weeks, an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

SEC. 5. All laws inconsistent herewith are hereby repealed; and the Secretary of State is required to forward copies of this act to the clerks of the circuit courts of the counties of Porter,

Laporte and St. Joseph, immediately, and cause the same to be printed in one or more of the newspapers of each of said counties.

The report was concurred in and the amendments adopted.

The bill was then ordered to be engrossed.

On motion by Mr. Ritter,  
The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met.

The hour having arrived the House proceeded to consider the

SPECIAL ORDER OF THE DAY.

House bill No. 1. A bill to provide for taking the sense of the qualified voters of the State on calling a convention to alter, amend or revise the Constitution of the State,

And pending motions to recommit with instructions.

Mr. Dougherty moved to indefinitely postpone the bill and pending motions.

Messrs. Dougherty and Davis demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Boyman, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Gifford, Hamilton of Boone, Hancock, Harney, Johnston, Jordan, Kelly, Lewis, Major, Massey, Martin, Nelson, Prosser, Shockley, Shull, Smith of Perry, Snyder, Sullivan, Thompson of Madison and Wood—30.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Cotton, Davisson, Davis, Devol, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jones, Kempf, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman,

Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Turpie, Whetzel, Whiteman and Mr. Speaker—47.

So the motion did not prevail.

On motion by Mr. Jordan,  
The House adjourned until to-morrow morning, 9 o'clock.

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SATURDAY MORNING, 9 o'clock, }  
January 29, 1859. }

The House met.

On motion by Mr. Cavins,  
The reading of the journal was dispensed with.

Messrs. Comstock and Hall of Grant, were granted leave of absence until Tuesday next 12 o'clock, M.; Hamilton of Wayne, and Nebeker of Vermillion, until Monday next, also Mr. Tebbs until one week from next Monday.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Cavins,

A petition from sundry citizens of Greene county, on the subject of temperance,  
Which,

On motion,  
Was referred to the committee on temperance.

Mr. Brotherton, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee, to whom was referred Senate bill No. 3, a bill attaching the counties of Hancock, Madison, Hamilton, Tipton and Howard to the seventh judicial circuit, and fixing the  
H. J—18.



time of holding circuit courts in said circuit, and also repealing all laws conflicting therewith, have had the same under consideration and directed me to report the bill back and recommend its passage;

Which was concurred in.

Mr. Davis moved a call of the House,  
Which was ordered.

The Clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Lewis, Major, Massey, Mellett, Murray, Martin, Nebeker of Warren, Nelson, Parks, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Summers, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Whetzel, Wood and Mr. Speaker—67.

On motion by Mr. Murray,  
The further call of the House was dispensed with.

Senate bill No. 3 was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hancock, Harney, Harrison, Hunter, Johnston, Jones, Kelly, Kempf, Lewis, Major, Massey, Mellett, Murray, Martin, Nebeker of Warren, Nelson, Parks, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Whetzel, Wood and Mr. Speaker—67.

No one voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Governor by Mr. Osbourne, Executive Messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bill:

Senate bill No. 60. An act fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length thereof, in each county thereof.

Mr. Stiles obtained the consent of the House and made the following report from the committee on corporations:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 69, entitled "a bill to repeal all general laws now in force providing for the incorporation of bridge companies, and to authorize them to contract, in connection with bridges, causeways across low bottoms, collect tolls, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters connected therewith," have considered the same, directed me to report it back and to recommend its passage;

Which was concurred in, and the bill ordered to be engrossed.

#### BILLS INTRODUCED.

Mr. Dougherty obtained leave and introduced

House bill No. 166. A bill to authorize parties to civil actions to be sworn and to testify as witnesses therein;

Which was read a first time and passed to a second reading.

Mr. Hunter obtained leave and introduced

House bill No. 167. A bill to provide for the fees of sheriffs in conveying convicts to the State's prison, and providing punishment for violations thereof, and to repeal all laws in conflict therewith;

Which was read a first time and passed to a second reading.

Mr. Austin moved to suspend the order of business in order to take up House bill No. 114 on its second reading;

Which was agreed to.

No. 114. A bill to prevent the sale, bartering or giving away of mixed or adulterated spirituous, malt or other intoxicating drinks, and to provide penalties and fix fines for the violation thereof;

Was read a second time, and

On motion by Mr. Austin,

Was referred to a select committee of five, with Mr. Collier as chairman.

The speaker appointed Messrs. Collier, Sherman, Austin, Hunter and Gregory said committee.

Mr. Davis moved to suspend the order of business in order to take up Senate bill No. 116;

Which was agreed to.

Senate bill No. 116. A bill to repeal all laws now in force establishing the times of holding circuit courts in the second judicial circuit, and to fix the times of holding said courts.

Was read a second time.

Mr. Davis moved to refer the bill to a select committee of five;

Which was agreed to.

The Speaker appointed Messrs. Davis, Jordan, Carr, Hancock and Sullivan said committee.

Mr. Black was granted leave of absence.

Mr. Smith of Perry moved to suspend the order of business to take up Senate bill No. 30 on its second reading.

Which was agreed to.

Senate bill No. 30. A bill to provide for the transferring of the certificates of stock of the State of Indiana, providing for the registry of the same, and to prevent a fraudulent issue thereof, and providing punishment for violation of the provisions of this act.

Mr. Smith of Perry moved to amend by striking out from the enacting clause and insert the following:

That all stocks issued under the act entitled "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19th, 1843, and under the act supplemental thereto, approved January 27th, 1847, shall be transferable only in the city of New York in the books provided for that purpose, by the holder or hold-



ers thereof, or his, her or their assignees, or duly constituted attorney, and only in pursuance of the rules hereinafter provided.

*First*, Whenever a transfer of any of the certificates of stock issued under the provisions of the act hereinbefore named, may be desired either in whole or in part or in parts to different persons by the holder or holders thereof, or his, her or their constituted attorneys, and surrender of the certificate or certificates be made to the Agent of State in the city of New York, he shall receive and make a transfer of the same in his transfer book, and post the entry of such transfer to the proper person or persons in the certificate or stock ledger.

*Second*, The Agent of State shall then cancel such certificate with his cancelling hammer, and make out a new certificate or certificates in the name of the proper person or persons to whom such transfer is made, giving the actual date, name of the transfer and amounts, and carefully number and record the same, and shall then transmit the old and new certificates to the Auditor of State at Indianapolis.

*Third*, The Auditor of State shall cause the old certificate to be filed in his office, and shall register in the proper book the number, date, payee and amount of the new certificate or certificates, with the number, date, payee and amount of the certificate for which the re-issue is made, and the Governor shall cause the seal of State to be affixed to such new certificate or certificates, which shall then be signed and registered by the Treasurer and signed by the Auditor of State, and be transmitted by the Auditor to the Agent of State, who shall countersign, complete the record, and deliver the same to the person entitled thereto.

*Fourth*, The Agent of State shall keep a book in his office at New York, in which he shall record every new certificate of stock that may be issued, and upon the back of such record, whenever any such certificate is surrendered and transferred, he shall enter all the endorsements, and upon the margin he shall enter the date, number, payee and amount of the new certificate or certificates that may be issued therefor.

*Fifth*, The duties required by this act of the officers of State, shall be performed with dispatch, and such certificates may be transmitted by mail, and the Auditor and Treasurer of State are expressly prohibited from signing any such new certificates of stock unless the certificates for which they are re-issued, are first surrendered and cancelled in the office of the Auditor at Indianapolis, and unless the amount, date, and the name of the payee are inserted in full in the body of the certificate, nor at any other place than at their offices in Indianapolis.

SECTION 2. Every transfer of certificates of stock under the acts in the first section named shall be made in conformity with the provisions of this act, and no certificate that may be issued upon any transfer shall be valid, unless issued in the manner hereinbefore described.

SEC. 3. This act shall be construed so as not to molest, impair or arrest in any manner any of the provisions of the acts in the first section named, and it is the true intent of this act to provide proper safeguards so as to prevent any illegal or improper issue of certificates of stock, or false records in the office of the Agent of State.

Mr. Smith of Perry moved to refer the bill and pending amendment to the committee on the judiciary.

Which was agreed to.

Mr. Sherman obtained leave and introduced House bill

No. 168. A bill to amend the title and the first section of an act entitled "an act authorizing railroad, plank road, turnpike road, and M'Adamized road companies, to borrow money and to secure the re-payment thereof by mortgage," approved February 5th, 1852.

Which was read a first time and passed to a second reading.

Mr. Stanfield obtained leave and introduced House bill

No. 169. A bill for the relief of the heirs-at-law of John Coran, deceased, and to vest in them certain real estate which has escheated to the State.

Which was read a first time and passed to a second reading.

Mr. Fordyce obtained the consent of the House and made the following report from the committee on public expenditures :

MR. SPEAKER :

The committee on public expenditures having examined the accounts of the board of colonization believe their condition demands immediate legislation, and for the purpose of laying before the General Assembly that condition submit the following report :

By the act of 1852 the Governor, Auditor and Secretary of State were, *ex-officio*, constituted the State Board of Colonization, and five thousand dollars were appropriated for colonization purposes ; three thousand of which were to be used for the purchase of land in Africa, to be called the Indiana colony, and which was to be divided into one hundred acre lots for each negro who emigrated from this State to Africa. Such emigrants were also to receive fifty dollars each, if needing aid, to pay expenses for the voyage to that country.

By the act of 1853 five thousand dollars were appropriated for that year, and a like sum or 1854, for the purpose of colonization. These sums make an aggregate appropriation of \$15,000.

The expenditures have been as follows :

## EXPENDITURES.

Year.	NAME.	Amount.	For what Purpose.
1853	James Mitchell.....	\$1,000 00	Remitted to the American Colonization Society.
1853	Bird Webster.....	20 00	Allowed to him as an emigrant.
1853	James Mitchell.....	170 00	Salary as Agent or Secretary.
1853	James Mitchell.....	150 00	Salary as Agent or Secretary.
1853	James Mitchell.....	2,000 00	Paid to the Treasurer of American Col. Society.
	Total for 1853.....	<u>\$2,340 00</u>	
1854	James Mitchell.....	\$150 00	Salary as Agent.
1854	James Mitchell.....	225 00	To colonize negroes.
1854	James Mitchell.....	143 12	Salary as Agent.
1854	James Mitchell.....	150 00	Salary as Agent.
1854	Austin H. Brown.....	120 17	Printing.
	Total for 1854.....	<u>\$788 29</u>	
1855	James Mitchell.....	\$50 00	Salary as Agent for one month.
1855	T. A. Mills.....	250 00	Salary as Agent.
1855	T. A. Mills.....	100 00	Salary as Agent.
1855	T. A. Mills.....	200 00	Salary as Agent.
1855	T. A. Mills.....	158 00	Salary as Agent and for map of Africa.
1855	Delzell & Tyler.....	9 25	Binding reports.
	Total for 1855.....	<u>\$767 25</u>	
1856	James Mitchell.....	\$170 00	Salary as Agent during con. convention.
1856	James Mitchell.....	68 00	Allowed by State Board.
	Total for 1856.....	<u>\$838 00</u>	
1857	T. A. Mills.....	\$66 00	Salary as Agent.
1857	James Mitchell.....	100 00	Travelling expenses.
1857	James Mitchell.....	200 00	Salary as Agent.
1857	James Mitchell.....	200 00	Salary as Agent.
	Total for 1857.....	<u>\$566 00</u>	
1858	James Mitchell.....	\$200 00	Salary as Agent.
1858	James Mitchell.....	300 00	Salary as Agent.
1858	James Mitchell.....	150 00	Salary as Agent.
1858	James Mitchell.....	150 00	Salary as Agent.
	Total for 1858.....	<u>\$800 00</u>	



Aggregate appropriations.....	\$15,000 00
Aggregate expenditure.....	6,499 54
	<hr/>
Leaving unexpended.....	\$8,500 46

Of the expenditures there are for emigration.....	\$3,245 00
Of the expenditures there are for the Secretary....	3,025 00

These accounts show that since early in the year of 1854 no expenditure has been made to colonize negroes, and that the salary for agent is almost equal to the expenditures for colonization purposes proper. This is extraordinary, and demands an examination into the causes which have led to this inaction on the part of the Board of Colonization, and the payment of the agent for so long a period, when nothing was doing.

The law of 1852 contemplated the purchase of land for a separate colony to be called the Indiana Colony.

Governor Wright addressed letters to President Roberts, of Liberia, in 1853, asking to be allowed to purchase land at Grand Cape Mount. This was objected to because Liberia contemplated settling the same place, and was opposed to transferring it to any State for the exclusive use and benefit of its emigrants; that the granting of one hundred acres to such emigrants would engender jealousies on the part of emigrants from other States; that ten acres were sufficient for an ordinary sized family, and that compact settlements were necessary to protect colonies from the treachery of the natives.

In answer to these objections Governor Wright stated to President Roberts, that the Board desired a location for a settlement in order to benefit its emigrants, and that public sentiment in our State required practical results, and the clear evidences of the utility of the appropriations made, which could best be done by founding a settlement and fostering it.

Subsequently, Liberia commenced a settlement at Grand Cape Mount, and desired the co-operation of our State in making it a place of common settlement. It would appear that the Board was divided on this question; another agent, Mr. Mills, was chosen, who favored the joint settlement.

While the correspondence between Governor Wright and President Roberts was going on, the Board of Colonization employed Mr. McKay, a colored man of good repute, to act as their agent in this State to persuade the colored people to emigrate. He went to Liberia also in order to procure all needful information. Through these efforts thirty-three colored persons, in 1853, were induced to emigrate, and to aid them; the above three thousand dollars were placed with the American Colonization Society, which superintended their transportation. Mr. McKay, after his return from Africa, continued as the agent of the Board, and in 1854 fourteen other emigrants left the State. But one report has

ever been made by the Board to the General Assembly, and from those made by Mr. Mitchell, their agent, it would seem that the Board desired to act in co-operation with the American Colonization Society and abandon all idea of a separate settlement for the emigrants from our State. The result of this change of policy is thus alluded to by Mr. Mitchell in his report of February, 1857.

“During the period that the plan of a settlement at Grand Cape Mount was kept before our people of color, seventy-four moral and worthy emigrants went from this State to Liberia; but the moment Mr. Mills abandoned this plan emigration stopped, and Mr. McKay, our colored agent, much against my will, resigned his commission, and refused to act with the Board; nor could he be much blamed, seeing his feelings were so much enlisted in the original plan.”

Since this difficulty occurred in 1854, nothing has been done by the Board that your committee can ascertain, and the agent or secretary, Mr. Mitchell, has made occasional reports and some correspondence of no definite character has been had with the President of Liberia and others.

Why this inaction has existed on the part of the Board of colonization your committee cannot determine, unless it is to be found in the organization of the Board itself. The State officers, *ex officio*, constitute it and they are elected to their respective offices without the least regard to their opinions on the subject of colonization. They may be earnestly enlisted in it or coldly indifferent to it, or hostile to it. They are subject to be changed every two years and hence there is no responsibility. No enterprise can be successful that is not placed in the hands of its friends, and hence, your committee believe that the present law is so defective that no reasonable expectation of success can be hoped for under it.

Governor Wright well understood the public sentiment of this State when he declared that it required practical results, and clear evidences of the utility of the appropriations made. The practical results which the foregoing expenditures exhibit are very unsatisfactory. If the Board determined to remain inactive, it was their duty to relieve the treasury from the salary of the agent, who was useful only when active operations were carried on. The people will not submit that their money shall go to useless officers instead of to the purposes for which their appropriations have been made.

Your committee believe that public sentiment is in favor of granting public aid to colored persons of the State needing it, who may desire to emigrate to Liberia. In accordance with the requirements of the Constitution they, therefore, report the following bill to economically give such aid, and to repeal the existing laws on colonization, under which so much useless expenditure has been made.

House bill No. 170. A bill providing for the colonization of negroes in Indiana, making an appropriation therefor, creating a



State Board of Colonization, and defining their powers and duties, and repealing existing laws relative to colonization ;

Which was read a first time and passed to a second reading.

Mr. Parks moved that the foregoing bill be laid on the table and two hundred copies printed for the use of the House ;

Which was not agreed to.

#### ORDERS OF THE DAY.

##### *House bills on second reading.*

No. 101. A bill to regulate the practice in civil cases in the courts of this State in taking exceptions to the over-ruling of demurrers.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 102. A bill authorizing all persons to travel upon plank, McAdamized and gravel roads free from toll in going to or returning from church or public worship on the Sabbath day.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 103. A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," and to legalize certain acknowledgments therein specified.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 105. A bill to compel owners of town lots to grade and pave side walks, and fixing the penalty therefor.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 106. A bill to amend the one hundred and third section of an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of the State.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.



No. 107. A bill to provide that the amount of sinking fund on loan or on hand shall be considered the principal of said fund, and for the payment of the interest on the bank bonds and expenses, out of the interest on said fund, and for appropriating the balance to the support of common schools, and repealing all laws contravening the provisions of this act.

Was read a second time, and

On motion,

Referred to the committee on education.

No. 108. A bill to provide for the protection of wild cranberries growing on the public, State and non-resident's lands in this State, and providing penalties for the violations of this act.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

No. 109. A bill to provide for and secure the rights of married women in real estate ;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 110. A bill to amend the seventy-sixth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 11th, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 111. An act concerning licenses to keep ferries ; to vend foreign merchandize ; to exhibit any caravan, circus, rope or wire dancing, ledgerdemain, ventriloquism, puppet show, concert, theatrical performance, or any other exhibition, of whatever name or description ; to carry on the business of stock and exchange broker ; to regulate the amount of license therefor ; to prescribe the duties herein of the board of county commissioners, the county treasurers and auditors, justices of the peace and constables, and the persons applying for license ; relative to the application for and issuing of such licenses ; the disposal of money arising from such licenses, and the remedies for violations of the provisions of this act.

Was read a second time, and

On motion by Mr. Major,

Referred to a select committee of three.

The Speaker appointed Messrs. Major, Harney and Dougherty said committee.

No. 112. A bill to amend section nine of an act entitled "an act to enforce the thirteenth article of the Constitution by providing a penalty for the importation of negroes or mulattoes into the State of Indiana contrary to the provisions of said act.

Was read a second time, and

On motion by Mr. Bowman,

Referred to a select committee of five.

The Speaker appointed Messrs. Bowman, Clements, Stanfield, Sherman and Robinson said committee.

No. 113. A bill to amend the fifth section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18th, 1852.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 115. A bill to repeal an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852, saving all proceedings and claims now pending before the township trustees, and transferring the same to the boards of commissioners in the various counties where pending and providing for the disposition thereof.

Was read a second time.

Mr. Hunter moved to refer the bill to a select committee of three.

Mr. Dobbins moved to amend the motion by referring to the committee on county and township business ;

Which was agreed to.

No. 116. A bill for the more uniform mode of doing township business, and repealing an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 117. A bill to amend section fifteen and to repeal sections twenty-seven to thirty-eight inclusive, of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852, so as to give boards of county commissioners jurisdiction as to change, laying out and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees, under said sections

so repealed, to the board of county commissioners, and providing for the disposition thereof.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 120. A bill to fix the time for holding the circuit courts in the eighth judicial circuit.

Was read a second time, and

On motion,

Referred to a select committee of seven.

The Speaker appointed Messrs. Claypool, Hamilton of Boone, Harney, Newton, Johnston, Nebeker of Vermillion and Nebeker of Warren, said committee.

No. 121. A bill to provide for the protection of fish in lakes in this State, and defining the time in which the same may be shot or caught with seines or nets, and declaring the penalty for the violation of this act.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the State.

No. 122. A bill to authorize the holders of unauthorized paper currency to sue for and recover from persons who have issued the same, as for money had and received, without making previous holders parties to the suits, and making such currency evidence of the indebtedness.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

On motion by Mr. Austin,

*Resolved*, That the Doorkeeper be directed to inquire of the public printer whether the reports of the various departments of State are printed, and if printed, to have them brought to the stationery room, in order that they may be distributed by the members of their constituents, for whose benefit they are prepared and printed, and report to this House at an early day.

Messrs. Davis and Branham were excused from serving on the select committee appointed on yesterday on bill No. 118, and Messrs. Stiles and Brotherton were appointed to fill the vacancies occasioned thereby.



The hour of eleven having arrived, the Speaker, under the standing rule, declared the House adjourned until Monday next, at 2 o'clock, P. M.

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MONDAY, 2 o'clock, P. M. }  
January 31, 1859. }

The House met.

The Clerk proceeded to read the journal.  
When,

On motion by Mr. Murray,  
The further reading was dispensed with.

Mr. Davis, from a select committee, obtained leave and made the following report :

MR. SPEAKER :

The select committee, to which was referred Senate bill No. 116, fixing the time of holding courts in the second judicial circuit, have had the same under consideration, and directed me to report said bill back to the House and recommend its passage ;

Which was concurred in.

The bill was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Brother-ton, Cavins, Clark, Claypool, Clayton, Clements, Collier, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Ed-wards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Major, Massay, Mellett, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Power, Robinson, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Thomp-son of Madison, Treadway, Wheeler, Whetzel, Wood and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Branham, Lewis, Mansfield and Shields—4.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Cavins moved to suspend the order of business and take up House bill No. 11.

Which was agreed to.

No. 11. A bill to amend the twenty-first section of an act entitled "an act providing for the organization of county roads, and prescribing some of their powers and duties," approved June 17th, 1852.

Was read a third time, and the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Branham, Boxley, Brotherton, Cavins, Clark, Claypool, Clements, Collier, Cotton, Davis, Dobbins, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lewis, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Power, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Wood and Mr. Speaker—71.

Those who voted in the negative were Messrs. Dougherty and Keefer—2.

Mr. Stanfield moved to amend the title by adding the following, to-wit:

"So as to allow the commissioners to make a levy of not less than one-tenth of one per cent."

Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Davis moved that House bill No. 1 be made the special order of the day for Thursday next at 2 o'clock, P. M.

Which was agreed to.

## REPORTS FROM STANDING COMMITTEES.

Mr. Stanfield, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House bill No. 41, to amend the ninth section of an act entitled "an act providing for the election of clerks of the circuit courts, and prescribing some of their duties," approved May 7th, 1852, have had the same under consideration and directed me to report that the committee are of opinion that no further legislation is necessary upon that subject, and recommend that said bill be indefinitely postponed.

Which was concurred in and the bill indefinitely postponed.

Mr. Brotherton, from the committee on the organization of courts of justice, made the following report :

MR. SPEAKER :

The committee on the organization of courts to whom was referred House bill No. 25, a bill to amend the tenth section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1852, have had the same under consideration and have directed me to report the bill back to the House and recommend that it be laid on the table, as the opinion of the committee legislation on the subject is inexpedient.

Which was concurred in.

Mr. Stanfield, from the committee of the organization of courts, made the following report :

MR. SPEAKER :

The committee on the organization of courts to whom was referred House bill No. 90, a bill to provide for the election of county prosecuting attorneys, prescribing their powers and compensation, and repealing the laws now in force for the election of prosecuting attorneys, have had the same under consideration and directed me to report that the committee are of opinion that, as the constitution requires that the prosecutions in the circuit court shall be by a circuit prosecutor, it would be inexpedient to create the office of prosecuting attorney in each county, the committee therefore direct me to report the bill back and recommend that it be indefinitely postponed.

Which was concurred in and the bill indefinitely postponed.



Mr. Baird, from the committee on the organization of courts, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice, to whom was referred the subject of making it a misdemeanor for clerks of circuit courts to refuse to issue process in certain cases, have had the same under consideration, and instructed me to report the following bill, and recommend its passage:

No. 171. A bill declaring it to be a misdemeanor for the clerks of the circuit and common pleas courts to refuse to issue summons and other writs in certain cases, and defining the penalty therefor.

Which was read a first time and passed to a second reading.

Mr. Claypool, from the committee on military affairs, made the following report:

MR. SPEAKER:

The committee on military affairs, to whom was referred joint resolution No. 1, in regard to instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law giving pensions to the soldiers, and widows of soldiers, of the war of 1812, have had the same under consideration, and have directed me to report it back to the House with the accompanying amendment, and when so amended recommend its passage; and that the Governor be requested to forward a certified copy of this resolution to each of our Senators and Representatives in Congress.

The report was concurred in, and the amendment adopted.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Braham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Durham, Devoll, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lewis, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanfield, Stiles, Sullivan, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Wood and Mr. Speaker—60.

So the joint resolution passed.

19—H. J.

*Ordered*, That the clerk be instructed to inform the Senate thereof.

Mr. Nelson, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

Your committee to whom was referred petition No. 3, a petition from Kosciusko county, signed by Wm. Parks and others, in relation to interest on money, have had the same under consideration, and instructed me to report the same back, and recommend the same to be laid on the table, as your committee have previously reported a bill on that subject ;

Which was concurred in.

Mr. Brotherton, from the committee on the rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of this State, to whom was referred a petition of sundry citizens of Laporte county, asking for the passage of a law, whereby the claim of the landlord against the tenant for rent shall be made a lien upon all the personal property of the tenant, without relief from valuation or exemption laws, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that it be laid on the table, as in the opinion of the committee, legislation upon that subject is inexpedient ;

Which was concurred in.

Mr. Durham, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred the following resolution :

*Resolved*, That the committee on roads be instructed to inquire into the expediency of amending the road law, so as to allow supervisors of roads a credit on their road work—on the ensuing or some subsequent year, instead of paying them out of the township fund—for extra services, and report by bill or otherwise,

Have had the same under consideration, and have instructed me to report that such a change of the law, in their opinion, is expedient.

The question being on concurring in the report of the committee.

Messrs. Hunter and Dougherty demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Bowman, Boxley, Branham, Brotherton, Cavins, Clark, Clayton, Durham, Devol, Eastham, Early, Firestone, Gifford, Hamilton of Wayne, Hancock, Jefferis, Jones, Kelly, Kempf, Major, Mansfield, Massey, Nebeker of Warren, Nelson, Power, Scott, Sherman, Shull, Smith of Miami, Smith of Perry, Stanfield, Sullivan, Treadway, Wheeler and Wood—36.

*Those who voted in the negative were,*

Messrs. Boyd, Claypool, Clements, Collier, Davis, Dobbins, Dougherty, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Rush, Hartley, Hunter, Johnston, Jordan, Keefer, Lewis, Mellett, Miller, Murray, Martin, Newton, Parks, Prosser, Ritter, Robinson, Row, Shields, Shockley, Stiles, Thompsen of Elkhart, Thompson of Madison, Turpie, Whetzel and Mr Speaker—36.

So the report was not concurred in.

Mr. Boyd moved to refer the report to a select committee of five;

Which was agreed to.

The Speaker appointed Messrs. Boyd, Turpie, Scott, Sullivan and Mellett said committee.

Mr. Durham, from the committee on roads, made the following report:

**MR. SPEAKER:**

The committee on roads, to whom was referred the following resolution:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the road laws as to require the supervisors of roads to expend all moneys for the improvement of roads in the road district where the same are located,

Have had the same under consideration, and instructed me to report that legislation upon the subject is inexpedient.



Mr. Parks moved to recommit the resolution to the select committee last above appointed ;

Which was agreed to.

Mr. Murray moved the following instructions :

Instruct to so amend the law as to compel the proper county officer to return all the delinquent taxes of the several road districts in each county, to the road district to which they belong.

Which were agreed to.

Mr. Durham, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred the following resolution :

*Resolved*, That the committee on roads be required to inquire into the expediency of so amending the road law, as to have the two days labor by law required to be expended on or before the first day of August, instead of the first day of June, as is now provided,

Have had the same under consideration, and find that the law now requires the supervisor to call out the hands in the months of May or June, and instruct me to report that said amendment is inexpedient.

Which was concurred in.

Mr. Early, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 103, have had the same under consideration, and have directed me to report the same back to the House with the following amendments, and when so amended they recommend its passage :

Strike out all after the enacting clause and insert the following :

That section forty-nine of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855, which is in the following words, to-wit :

"Section 49. Assignments of certificates of purchase shall be valid only, if acknowledged before the county auditor, who shall record the same," be and the same is hereby amended to read as follows, to-wit:

Sec. 49. Assignments of certificates of purchase shall be valid only, if acknowledged before the county auditor, or any justice of the peace of the proper county, and the county auditor shall record the same.

Sec. 2. All acknowledgments of assignments of certificates of purchase heretofore acknowledged before any such justices, be and the same are hereby legalized and declared to be valid.

Which report was concurred in.

House bill No. 103. A bill to amend an act entitled "an act to provide for a uniform and general system of common schools and school libraries and matters properly connected therewith, and to legalize certain acknowledgments therein specified," as amended above was ordered to be engrossed.

Mr. Harrison, from the committee on county and township business, made the following report:

**MR. SPEAKER:**

The committee on county and township business, to whom was referred the petition of Daniel McCoy, et al., of the counties of Elkhart, Marshall and St. Joseph, praying that all of congressional township No. 35 (thirty-five,) north of range 4 (four) east, might be attached to Elkhart county, have had the same under consideration, and direct me to report it back, and recommend that it be laid on the table, for the following reasons: first, the Constitution prohibits local legislation; second, there is a law in the act of 1857, making ample provisions for changing the boundaries of counties;

Which was concurred in.

Mr. Martin, from the committee on county and township business, made the following report:

**MR. SPEAKER:**

The committee on county and township business, to whom was referred a resolution inquiring into the expediency of so amending section thirty-four of an act entitled "an act to provide for opening, vacating and changing of highways," approved June 17, 1852, so as to give petitioners the right to determine its width of their proposed township roads, have had the same under consider-

ation, and direct me to report that legislation on the subject is inexpedient ;

Which was concurred in.

Mr. Mellett, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 113, being a bill to amend the fifth section of an act entitled "an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 18, 1852, have had the same under consideration, and have directed me to report the same back to the House and recommend that it be indefinitely postponed ;

The report was concurred in, and the bill indefinitely postponed.

Mr. Claypool, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined bill No. 27, and find it correctly engrossed.

Mr. Gifford, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have carefully examined and compared House bill No. 104, and find it correctly engrossed.

Mr. Parks, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills, to whom was referred Mr. Blythe's House bill No. 28, providing for the use as evidence of depositions taken to perpetuate testimony prior to the taken effect of the Revised Statutes of 1852, and for the publication and recording of depositions heretofore taken to perpetuate testimony, and for the use of such record and copies thereof, as evidence, have carefully compared the engrossed bill with the original and find the same correctly engrossed.



Mr. Gifford, from the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have examined House engrossed bills Nos. 34, 48, 59, 30 and 70, and find the same correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to bring enrolled Senate bill No. 3, an act attaching the counties of Hancock, Madison, Hamilton and Tipton to the seventh judicial circuit, and fixing the time of holding circuit courts in said court, and also repealing all laws conflicting therewith ; for the signature of the Speaker thereof.

Mr. Hall of Rush, from the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee to whom was referred engrossed bill No. 86, have examined and compared said bill with the original, and find it correctly engrossed.

Which was concurred in.

Mr. Ritter, from the committee on public expenditures, made the following report :

**MR. SPEAKER :**

The committee on public expenditures, who have been instructed by a resolution of the House to report what sums of money were audited in favor of Henry Coburn, during the last four years he held the office of clerk of the supreme court, on account of services rendered by him as such clerk, and also on account of the said supreme court, not including the salary of the judges and sheriff thereof, and to report in like manner what sums of money have been audited in favor of the present clerk, from his induction into office until the present time, for services therein, and what sums have been audited during the same, on account of the said supreme court, not including the salaries of the judges and sheriff thereof, and specifying in each case the particular services on account whereof such sums of money were audited, make the following report: The sums audited to Mr. Coburn and Mr. Beach are found under the following heads, viz: judiciary, clerk

of the supreme court fees, stationery and fuel, miscellaneous, specific and supreme court expenses. These numerous headings for expenses of the same kind indicate improper book-keeping, and point to the necessity of the General Assembly establishing by law a system and details that will not be subject to constant change. The labor of procuring such information as has been asked of your committee, in consequence of this improper book-keeping, is too great to be tolerated longer. Another difficulty lies in combining in the same vouchers allowances for personal service of the clerk or sheriff, for articles purchased for the use of the clerk's office, for the use of the court itself, and for the use of the individual judges of the court. To separate these is not expected of your committee, but such reference will be made to them as may meet the object of the House in adopting the foregoing resolution.

*Expenditures from January, 1847, to the present time.*

Year.	NAME.	Amount.	FOR WHAT PURPOSE.
1847	Coburn .....	\$95 00	Paper cases for Supreme Court.
1847	Coburn .....	90 00	Sundries for clerk's office.
1848	Coburn .....	50 93	Sundries for clerk's office.
1848	Coburn .....	7 25	Sundries for clerk's office.
1849	Coburn .....	34 87	Stationery allowed by the Court.
1849	Coburn .....	231 62	Costs in criminal cases.
1849	Coburn .....	37 33	Sundries for clerk's office.
1850	Coburn .....	45 86	Sundries for Supreme Court.
1851	Coburn .....	22 70	Sundries for clerk's office.
1851	Coburn .....	29 64	Stationery for the Court.
1851	Coburn .....	43 97	Allowances by the Court.
1852	Coburn .....	24 15	Fuel and stationery for Supreme Court.
1852	Coburn .....	27 95	Stationery for clerk's office.
1852	Coburn .....	10 00	Allowance by the Court.
1853	Coburn .....	131 91	Fees in State cases from 1846 to 1852.
1852	Beach .....	136 47	Sundries for clerk's office, as blanks, wood coal, &c.
1853	Beach .....	55 65	Coal \$5.65, arranging and labeling paper, \$50.00.
1853	Beach .....	29 90	Fees in criminal cases itemized and certified by court.
1853	Beach .....	52 68	Fees in criminal cases not itemized and certified by court, and no date showing when services were rendered.
1854	Beach .....	188 66	Fees in criminal cases not itemized and certified by court, and no date showing when services were rendered.
1855	Beach .....	59 10	Copies of decisions in various cases for legislature.
1855	Beach .....	146 06	Sundries \$41.00, list of cases \$6, fees in McGinley case and Vincennes University \$93.84, criminal cases \$32.32, balanced sundries.
1855	Beach .....	168 17	Fees in criminal cases.
1855	Beach .....	9 00	Blanks for clerk's office.
1855	Beach .....	773 12	Transcribing records
1855	Beach .....	969 70	Transcribing records.
1855	Beach .....	138 31	Fees in Vincennes University case, \$9.99; Wright v. J. D. G. Nelson, \$5.47; balance fees in criminal cases.
1856	Beach .....	214 33	State, v. W. & E. Canal Trustees, &c.
1856	Beach .....	84 45	Stationery, &c.
1856	Beach .....	158 46	Fees in criminal cases.
1857	Beach .....	212 50	For wood, \$60.00; balance "sundries."
1857	Beach .....	174 81	Fees in criminal cases.
1857	Beach .....	99 09	Opinions for legislature, and fees in criminal cases.
1857	Beach .....	260 80	Attorneys from various persons "as per bill on file."
1857	Beach .....	194 07	Fees in criminal cases.
1857	Beach .....	68 66	Fees in criminal cases.
1858	Beach .....	114 35	Servant hire in court room, \$82.00; balance referred to as "per bills on file."
1858	Beach .....	296 01	Fees in criminal cases.
1858	Beach .....	156 36	To waiter in office \$50.00; balance referred to as "per bills on file."
1858	Beach .....	301 19	Fees in criminal cases.
1858	Beach .....	18 63	Fees in criminal cases.
1858	Beach .....	205 40	James Griffin, servant and sundries, "as per bill on file."

## EXPENSES OF SUPREME COURT.

*Under this head are embraced allowances for the Sheriff, bills for Supreme Court expenses, and for bills of other persons for articles furnished the Courts.*

Year.	NAME.	Amount.	FOR WHAT PURPOSE.
1847	Johnston, sheriff.....	\$68 62	Sundries for the court.
1847	Johnston, sheriff.....	33 97	Sundries for the court.
1848	Johnston, sheriff.....	9 45	Sundries for the court.
1848	Johnston, sheriff.....	111 87	Register does not show.
1849	Johnston, sheriff.....	16 50	Sundries for the court.
1849	Johnston, sheriff.....	104 68	Wood stove in Judge Smith's room, and sundries for the court.
1849	Johnston, sheriff.....	24 76	Candles, paper, &c., for the court.
1850	Johnston, sheriff.....	100 43	Wood, candles, stationery and servant's wages for the Judges.
1850	Johnston, sheriff.....	17 08	Paper &c., for the court.
1850	Johnston, sheriff.....	21 30	Sundries for the court.
1851	Johnston, sheriff.....	14 75	Servant's wages paper and candles.
1851	Johnston, sheriff.....	120 68	Fuel and stationery for court.
1851	Johnston, sheriff.....	19 00	Candle and paper for court.
1852	Johnston.....	20 95	Fuel and stationery for the court.
1852	Johnston.....	156 64	Servant's wages, &c.
1852	Johnston.....	123 92	Wood, coal, and sundries for the court.
1853	A. Ballard.....	7 00	Fixing seal of the court.
1854	G. Wild.....	5 00	Case for papers.
1854	Chapman & McKernan.....	6 00	Coal for clerk's office.
1854	Detzell & Tyler.....	88 25	Blank books.
1854	A. H. Brown.....	11 00	Printing for clerk.
1854	Dorsey & Watkins.....	10 75	Candles and sundries.
1854	Brew & Anderson.....	3 12	Coal for clerk.
1854	Werden & Chamberlain.....	20 45	Stationery.
1854	C & J. Cox.....	9 50	Articles for clerk.
1854	A. H. Brown.....	10 00	Printing.
1854	C & J. Cox.....	1 50	Boxes &c., for clerk.
1854	A. H. Brown.....	12 63	Printing.
1854	Detzell & Tyler.....	12 00	Articles for clerk.
1854	Wise & Stewart.....	20 65	Stationery for clerk.
1854	A. H. Brown.....	10 00	Printing.
1854	Johnston, sheriff.....	414 21	Servants, carpets, candles, wood, &c.
1854	Johnston, sheriff.....	329 19	Blank books, paper, making fires for Judges, &c.
1855	Nelson, sheriff.....	278 50	Salary.
1855	Nelson, sheriff.....	15 50	Wood &c., for clerk's office.
1855	Nelson, sheriff.....	37 00	Desks &c.
1855	Nelson, sheriff.....	530 66	Wood, stationery and servant's hire.
1855	Browning & Mayer.....	10 00	Candles.
1855	J. H. Russell.....	7 00	Coal.
1855	Detzell & Tyler.....	51 75	Binding for court.
1855	Browning & Mayer.....	10 45	Candles.
1855	Indianapolis Coal Co.....	7 00	Coal.
1855	Indianapolis Coal Co.....	7 00	Coal.
1855	M. Cahill.....	18 00	Sawing wood.
1855	A. H. Brown & Co.....	5 40	Printing.
1855	Indianapolis Coal Co.....	7 00	Coal.
1855	J. Vanblaricum.....	19 25	Wood.
1855	D. T. Dorsey.....	10 00	Book case.
1855	Indianapolis Coal Co.....	7 00	Coal.
1855	C. & J. Cox.....	38 45	Sundries for the court.
1855	Geo. Brown.....	40 00	Making fires and cleaning rooms at Governor's circle.
1855	Detzell & Tyler.....	106 75	Paper and blank books.
1855	Walker & Cotton.....	15 50	Blanks for clerk's office.
1855	Georg W. Her.....	2 30	Painting boxes.
1855	James Huey.....	2 50	Choir for clerk.
1855	S. Merrill.....	4 00	Paper.
1856	Larrabee & Cotton.....	24 00	Blanks for clerk.
1856	Larrabee & Cotton.....	24 00	Blanks for clerk.
1856	Nelson, sheriff.....	524 23	For the Judges \$28.90 each, allowance \$250.00, services as sheriff, balance credit &c.
1857	Nelson, sheriff.....	370 24	Keeping circle in order \$56.25, stationery and fuel for the Judges \$21.60 each, wood for Perkins' office \$22.00, G. Brown services in Perkins' office \$13.35.



## EXPENSES OF SUPREME COURT.—Continued.

Year.	NAME.	Amount.	FOR WHAT PURPOSE.
1857	Nelson.....	\$68 52	Step ladder for Perkins \$17.00, two boxes candles for Perkins' office, coal for Perkins' office \$17.
1857	H. V. Iltro.....	40 00	Furniture.
1857	Nelson.....	488 11	Carpet for Judges' rooms &c.. \$172 00, stationery for Judges \$30.00 each, fuel for Perkins' office \$3 00, servant hire for same.
1858	Nelson.....	550 82	Salary as sheriff \$250.00, sundry bills \$9.69, Perkins \$67.46, same for wood \$40.
1858	Nelson.....	301 53	Perkins, Davison & Stewart, allowance to the four Judges \$30.00 each, Jas. Griffin for waiting on Judges \$54.50, balance sundries.
1858	Nelson.....	532 47	Wood for Perkins 27.50, allowance for Judges \$30 each, servant hire for Perkins 2.11; hire of Jas. Griffin \$60 00; sawing and splitting wood for Perkins' office \$10.00; salary for sheriff \$250.00; Griffin servant hire \$45.00; same splitting wood \$14.00; servant hire for Perkins \$15.00.
1858	Nelson.....	109 30	Three stoves and sundry bills.
1858	G. W. Pitts.....	11 00	Ice.
1858	Smith & Stevenson.....	27 00	Coal.
1858	Gulick & Tweed.....	5 00	Ice.

It will be perceived that some accounts audited to the clerks are for sundries for the court, and some audited to expenses of the court are for the clerk's office. Separating these properly, deducting the salary of the sheriff, where it constitutes a part of the charge, and separating the "fees in criminal cases," from other charges, the committee find the accounts from 1847 to 1853, and from 1853 to 1858, a period of six years each, as follows:

Coburn, 1847 to 1852 inclusive, office expenses.....	\$290 13
Coburn, 1847 to 1852 inclusive, fees in criminal cases..	363 53
Beach, 1853 to 1858 inclusive, office expenses.....	3,300 61
Beach, 1853 to 1858 inclusive, fees in criminal cases ..	2,078 24
Expenses of Supreme Court 1847 to 1853 inclusive...	994 24
Expenses of Supreme Court 1852 to 1858 inclusive...	3,502 04

This extraordinary difference has demanded an investigation into the legality of the expenditures.

*First*, What are the laws authorizing the clerk of the Supreme Court to receive fees in criminal cases from the State Treasury? In 1834 an act was passed reading as follows:

"The clerks of the supreme court, for services rendered on behalf of the State in any criminal cause in said court, shall be allowed therefor the same fees as are now allowed by law for similar services in civil cases, and the said fees shall be taxed by one of the judges of said court, and be certified by him to be correct, which fees, when thus taxed and certified and presented to the auditor, shall be audited," &c.—R. S. 1838, p. 300.

Under this law the amount of fees received by Mr. Coburn was allowed, certified and audited.

In the Revised Statutes of 1852, page 291; it is declared that "in all criminal prosecutions, where the person accused shall be acquitted, no costs or fees shall be charged against such person, nor against the State or county, for any services rendered in such prosecution by any clerk, sheriff, coroner, justice of the peace, constable or witness, but in all cases of conviction, such fees and costs shall be taxed and collected as in other cases, from the person convicted."

The law of 1852 repeals that of 1834, and consequently there was no law authorizing the Auditor of State to audit the accounts for fees in criminal cases which the clerk of the Supreme has from time to time presented. In 1853 the supreme court ceased to allow and certify to the fees as required by the act of 1834.

The sums drawn by Mr. Beach, amounting to \$2,078 24, are therefore drawn illegally, and the Auditors are responsible on their bonds, or Mr. Beach, for money had and received.

Your committee therefore, herewith report a joint resolution requiring the Attorney General to institute the necessary suit or suits to recover back the amount with interest thereon.

*Second,* The House will also see that Mr. Beach has received the sum of \$1,742 62 for transcribing records of the supreme court under the act of 1855, page 85. As this act is of little, if any, utility, and subject to abuse, your committee herewith report a bill for its repeal.

*Third,* The committee have examined the laws regulating allowances to the clerk and sheriff of the supreme court for office rent, records, books, fuel, stationery and extra services.

The act of 1852, page 292 of the Revised Statutes, relative to fees and salaries, requires the Secretary, Auditor and Treasurer of State to furnish, at the expense of the State, the necessary record books, office rent and stationery for the clerk of the supreme court.

The act defining the powers and duties of the supreme judges, Revised Statutes, pages 3 and 4 of Vol. II, authorizes them to allow the clerk a reasonable compensation for stationery and record books, and to the sheriff for fuel, stationery and extra services.

These acts grant no power to any one to allow the clerk for fuel, arranging, &c., papers and servant hire, which go to swell up his accounts. How many like allowances are embraced under that part of the vouchers which state "*as per bills on file,*" instead of the items themselves, your committee cannot know.

The Sheriff makes the purchases for the Court in term time, and he may receive allowances for fuel, stationery, and extra services. The Court may then properly allow him for fuel used in the court room during term, but where is the law that authorizes the court to allow him for fuel for Judge Perkin's office; hire for the same office, candles for the same office, regular allowances by him to



each of the judges of \$30, \$21 60, \$28, \$90; stationery for judges' offices, and like *et ceteras*, which have enormously increased the expenses of the supreme court during the past six years? The mere allowance of the court does not justify the Auditor in auditing such accounts. On their face they must show that they are made in conformity to law, and it is at his own peril that he grants warrants on the Treasury for charges not authorized by the law itself. These allowances have been pointed out with the hope that in future similar ones will not be made, and if they are, that the Auditor will refuse to issue a warrant therefor.

*Fourth*, The supreme court has for years made an annual allowance to the sheriff of \$500. The committee find no law now in force authorizing it. The Revised Statutes of 1843, pages 642, 644, requires the sheriff to attend the court in term, execute its orders, &c, and for his services while in attendance in term time, the court shall make such allowances as they may deem reasonable. This was the law under the Revised Statutes of 1838 also. But it was changed in 1852. The present law requires the sheriff to attend the court in term, but makes no provision for the payment of such service. As mentioned already, the court may make him an allowance for "extra services," but your committee understands such services to be those not specifically pointed out by the law, and the court must specify the services for which their allowance is made. If this view is correct, then about \$3,000 have been received from the Treasury without authority of law. The committee desire that this matter be referred to the judiciary committee.

No. 17. A joint resolution instructing the Attorney General of Indiana to institute the proper legal proceedings to recover all monies that have been illegally paid to the clerk of the supreme court out of the Treasury of the State

Was read.

Mr. Dougherty moved to refer the report and joint resolution to the committee on the judiciary.

Which was agreed to.

No. 172. A bill to repeal an act entitled "an act to provide for the restoration and preservation of the records of the supreme court," approved February 7th, 1855.

Which was read a first time and passed to a second reading.

Mr. Stanfield, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which House bill No. 12, to prevent the issuing and circulating unauthorized paper currency, and prescri-



bing penalties for the issuing or failure to redeem any such currency, and the Senate amendments thereto were referred, have had the same under consideration and recommend that the amendments of the Senate be adopted by the House with the following amendments thereto :

SEC. 7. That nothing in this act shall be so construed as to permit any person or persons, company, firm, association or corporation in this State, other than the Bank of the State of Indiana and her branches, and all banks incorporated under the provisions of an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852, and acts amendatory thereto, to issue and put in circulation any such paper.

The report was concurred in and the amendment adopted.

The amendment was ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Dobbins,

*Resolved*, That the committee on corporations be and they are hereby requested very respectfully, to report back to this House at their convenience House bill No. 72, it being a bill to amend an act entitled "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, approved March 1st, 1853.

On motion by Mr. Nebeker of Warren,

*Resolved*, That the committee on benevolent institutions be instructed to inquire into the expediency of providing some plan by which the incurable insane may be permanently provided for by the State at the expense of the State, and that they report by bill or otherwise.

On motion by Mr. Murray,

*Resolved*, That the committee on agriculture be instructed to report a bill to so amend the present law providing for the listing of personal property, as to provide that when assessments of property are made each year, which takes place in the spring, it be made the duty of each assessor to report to the proper county officer the number of acres and bushels of wheat, corn, oats and barley sown and harvested in his district for the preceding season, and also to make it the duty of the county auditor to report the aggregates of the townships to the Secretary of State, as well as to offer it for publication to the newspapers of his county.

Mr. Bowman introduced the following :

**WHEREAS**, The Constitution of the State of Indiana has made it the imperative duty of the General Assembly to provide by law for a general and uniform system of common schools, wherein tuition shall without charge be equally open to all ;

**AND WHEREAS**, The inefficiency of the present system is a subject of general complaint throughout the State, arising in part from the depleting process to which the funds have been subject ; as they passed through the State treasury, for the purpose of equalizing the same, and a general distribution ;

**AND WHEREAS**, By such means the people have been deceived in the paying of interest and taxes for the support of schools, and their children have been deprived of the benefit of the proceeds thereof to the amount of \$186,000, as shown by the report of the Auditor of State ; therefore, be it

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the present school law, as to require the entire amount of the income of the common school funds to be distributed and paid out each year for the support of common schools, and for no other purposes whatever ; together with such portion of the undistributed surplus now in the State treasury, as may be compatible with the interest of the State and the constitutional rights of the children.

Which was agreed to.

Mr. Miller introduced the following :

**WHEREAS**, The trustees of the Wabash and Erie Canal have signified in their report to the Legislature that it is the intention of the bondholders to abandon the working of said canal ;

**AND WHEREAS**, by the action of said trustees in discharging nearly all the employees along the line of said canal, they in a manner confirm that supposed intention ; therefore be it

*Resolved*, That the said trustees be, and the same are hereby requested to inform this House, at their earliest convenience, what may be their exact intentions with reference to said canal.

Which was not agreed to.

On motion by Hartly,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing an act making it a misdemeanor for any person to violate the laws of our State, regulating weights and measures.

Mr. Cavins offered the following resolution :

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of so amending the act organizing the court of common pleas, as follows, to-wit :

*First*—So that said court shall sit but twice during one year.

*Second*—So that the first two days of each term shall be devoted exclusively to probate business, and making up issues.

*Third*—That a jury shall not attend until the third day of each term.

The above amendment to be made if said court is not abolished.

Which was not agreed to.

Mr. Murray offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law defining grand larceny, as to fix the amount stolen at ten dollars and upwards, instead of five and upwards, as the law now requires, and to provide punishment in some other mode for theft under ten dollars in amount than confinement in the penitentiary.

Which was not agreed to.

Mr. Major offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency and constitutionality of a law declarative of what constitutes a voter's domicile, and report by bill or otherwise.

Which was not agreed to.

Mr. Murray offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to report a bill amendatory of the law in regard to the filing of constable's bonds, so as to require said bonds to be filed with the board of township trustees.

Which was not agreed to.

Mr. Massay offered the following resolution :

*Resolved*, That the committee on fees and salaries be instructed to inquire into the expediency of so amending the present law, as to allow jurors who may live more than seven miles from the county seat the sum of one dollar and fifty cents per day and mileage.



Which was not agreed to.

Mr. Robinson offered the following as an amendment to the order of business, which was laid over until to-morrow, under the rules.

*Resolved*, That after the adoption of this resolution the orders of the day shall take precedence of resolutions and the introduction of bills in the order of business.

#### JOINT RESOLUTIONS.

Mr. Dougherty introduced,

Joint resolution No. 18. A joint resolution instructing our Senators, and requesting our Representatives in Congress to vote against an increase of letter postage, and also to use their influence to abolish the franking privilege.

Which was read, and,

The question being on its passage,

*Those who voted in the affirmative were,*

Messrs. Austin, Boyd, Boxley, Branham, Cavins, Clark, Claypool, Clements, Collier, Davisson, Davis, Dougherty, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Harrison, Hunter, Jefferis, Johnston, Jones, Keefer, Lewis, Major, Mansfield, Meilett, Murray, Martin, Nebeker of Warren, Nelson, Parks, Power, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Wood and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Baird, Bowman, Brotherton, Clayton, Colton, Dobbins, Durham, Early, Jordan, Kelly, Kempf, Massey, Miller, Newton, Prosser, Shockley and Shull—17.

So the joint resolution passed.

*Ordered*, That the clerk inform the Senate thereof.

By Mr. Cavins,

Joint resolution No. 19. A joint resolution instructing our Senators and requesting our Representatives in Congress to vote

for the admission of Kansas into the Union, without regard to the local provisions of her constitution ;

Which was read.

Mr. Jordan moved to lay the joint resolution on the table.

Messrs. Cavins and Ritter demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Branham, Brotherton, Clark, Claypool, Clayton, Cotton, Davisson, Hamilton of Wayne, Jordan, Kempf, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Warren, Parks, Power, Robinson, Shockley, Shull, Smith of Miami and Thompson of Elkhart—24

*Those who voted in the negative were,*

Messrs. Baird, Cavins, Collier, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Harrison, Hartley, Hunter, Jefferis, Jones, Lewis, Massey, Martin, Nelson, Newton, Prosser, Ritter, Row, Scott, Sherman, Shields, Stiles, Sullivan, Thompson of Madison, Treadway, Turpie, Whetzel, Wood and Mr. Speaker—40.

So the motion did not prevail.

Mr. Murray moved to amend by striking out that part relating to slavery.

Mr. Branham demanded the previous question ;  
Which was seconded.

The question being, shall the main question be now put ?  
It was so ordered.

The question being on the adoption of the amendment offered by Mr. Murray.

Messrs. Dougherty and Murray demanded the ayes and nays.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Brotherton, Clark, Cotton, Hamilton of Wayne, Mellett, Murray, Nebeker of Warren, Parks, Stanfield and Thompson of Elkhart —13.

H. J—20.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Boyd, Cavins, Claypool, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keifer, Kelly, Kempf, Lewis, Mansfield, Massey, Martin, Nelson, Newton, Powers, Prosser, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stiles, Sullivan, Thompson of Madison, Turpie, Whetzel, Wood and Mr. Speaker—54.

Messrs. Jefferis, Ritter, Robinson and Treadway were present, but refused to vote.

So the amendment was not adopted.

The question being on the adoption of the joint resolution.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Boyd, Branham, Cavins, Claypool, Clayton, Collier, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Harney, Hartley, Harrison, Hunter, Jones, Keefer, Kelly, Lewis, Massey, Mansfield, Martin, Nebeker of Warren, Nelson, Newton, Power, Prosser, Ritter, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Madison, Whetzel, Wood and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Brotherton, Clark, Hamilton of Wayne, Jefferis, Mellett, Murray, Parks and Thompson of Elkhart—10.

The following members were in their seats and refused to vote :

Messrs. Jordan, Kempf, Robinson, Treadway, and Turpie—5.

Messrs. Davisson, Johnston, and Wheeler had "paired off" and refused to vote.

So the joint resolution passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Hunter moved that when the House adjourn, it adjourn to meet at 7 o'clock, P. M.;

Which was not agreed to.



Mr. Davis was granted leave of absence until Thursday next, at 12 M.

On motion by Mr. Prosser,  
The House adjourned until to-morrow morning, 9 o'clock.

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TUESDAY MORNING, 9 o'clock, }  
February 1, 1859. }

The House met.

On motion by Mr. Edwards,  
The reading of the journal was dispensed with.

Mr. Mellett moved to commence in the order of business at the point to which the House had progressed at the adjournment on yesterday;

Which was agreed to.

#### BILLS INTRODUCED.

By Mr. Davis,

No. 173. A bill to amend the eleventh section of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes;

Which was read a first time and passed to a second reading.

By Mr. Edwards,

No. 174. A bill to cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years in the State of Indiana, in the year 1859, prescribe the powers and duties of the officers in taking such enumeration, and the manner in which they shall severally exercise the same, and to authorize compensation to be made to such officers for services;

Which was read a first time and passed to a second reading.

By Mr. Mellett,

No. 175. A bill to amend section eleven of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases ;

Which was read a first time and passed to a second reading.

By Mr. Stanfield,

No. 176. A bill to amend section 19 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By Mr. Turpie,

No. 177. A bill to amend section 2 of an act entitled "an act to authorize the re-location of county seats, and for the erection of public buildings in counties in case of such re-location ;

Which was read a first time and passed to a second reading.

By Mr. Shull,

No. 178. A bill fixing the time of holding courts of common pleas and the length of terms thereof, in the county of Blackford, and repealing all laws in conflict therewith ;

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Boone,

No. 179. A bill to regulate the sale, vending and giving away of spirituous and intoxicating liquors, defining nuisances and providing punishment for the violation of this act ;

Which was read a first time and passed to a second reading.

By Mr. Murray,

No. 180. A bill for the relief of Joel Ellis, by paying for improvements made upon certain lands illegally sold for taxes, and directing the same to be paid out of the treasury ;

Which was read a first time and passed to a second reading.

By Mr. Shockley,

No. 181. A bill to regulate the retailing of intoxicating liquors and for the suppression of the evils arising therefrom ;  
Which was read a first time and passed to a second reading.

By Mr. Clements,

No. 182. A bill to amend section 23 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852 ;

Which was read a first time and passed to a second reading.

By Mr. Hunter,

No. 183. A bill to authorize county auditors to collect moneys belonging to common school fund by suit or otherwise, and providing compensation for his services, also to provide punishment for a failure to perform any duties required therein ;

Which was read a first time and passed to a second reading.

By Mr. Prosser,

No. 184. A bill providing for the compensation of county assessors ;

Which was read a first time and passed to a second reading.

By Mr. Parks,

No. 185. A bill to amend section 4 of an act entitled "an act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1852, and to repeal all laws conflicting with the provisions of this act ;

Which was read a first time and passed to a second reading.

By Mr. Mellett,

No. 186. A bill to amend section 103 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852 ;

Which was read a first time and passed to a second reading.



By Mr. Nebeker of Warren,

No. 187. A bill to amend an act approved February 28, 1855, entitled "an act to amend the act entitled an act to authorize the construction of plank, McAdamized and gravel roads and to empower the same to make sale of a portion of their roads," so as to give the right of any corporation that has bought or that may hereafter buy any of the above named roads to do the business of such road in the corporate name of the buyer, and also to amend so as to reduce the tariff of tolls;

Which was read a first time and passed to a second reading.

By Mr. Smith of Perry,

No. 188. A bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 3, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act;

Which was read a first time and passed to a second reading.

By Mr. Hunter,

No. 189. A bill supplemental to an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852;

Which was read a first time and passed to a second reading.

By Mr. Hunter,

No. 190. A bill to amend sections 11 and 12 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14, 1852;

Which was read a first time and passed to a second reading.

By Mr. Hunter,

No. 191. A bill to authorize jurors to be summoned from an adjourning county to try criminal causes in certain cases, and providing compensation for their services;

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House

Senate bill No. 116. An act to repeal all laws now in force establishing the times of holding circuit courts and to fix the times of holding said courts ;

For the signature of the Speaker thereof.

#### ORDERS OF THE DAY.

#### *House Bills on Third Reading.*

No. 23. A bill to legalize the commission of justice of the peace issued to J. B. Osborne, Esq., of Jackson county, and also to legalize his acts under it ;

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Cotton, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, Major, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—73.

No one voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 27. A bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the powers of such consolidated company ;

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hamilton

of Boone, Hancock, Harrison, Hartley, Hunter, Jefferis, Jordan, Jones, Keefer, Kelly, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Whiteman and Wood—70.

*Those who voted in the negative were,*

Messrs. Stanfield, Stiles and Mr. Speaker—3.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 28. A bill providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the Revised Statutes of 1852, and for the publication and recording of depositions heretofore taken or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Cavins, Clark, Claypool, Clayton, Clements, Collier, Cotton, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Whetzel, Whiteman, Wood and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Baird, Bowman, Brotherton and Carr—4.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.



No. 30. A bill to repeal an act entitled "an act to establish courts of conciliation, to prescribe rules and proceeding therein and compensation of judges thereof," approved June 11, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bianham, Clements, Dobbins, Devol, Early, Eastham, Edwards, Griffin, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jordan, Kempf, Lewis, Mansfield, Mellett, Merrifield, Miller, Newton, Parks, Power, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Stanfield, Stiles, Turpie, Whetzel, Whiteman and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Cotton, Collier, Davisson, Dougherty, Durham, Firestone, Fordyce, Gifford, Gregory, Hancock, Hartley, Jones, Keefer, Kelly, Major, Massey, Murray, Martin, Nebeker of Warren, Nelson, Prosser, Ritter, Robinson, Row, Rynerson, Shields, Shull, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Wheeler and Wood—42.

So the bill did not pass.

No. 34. A bill prescribing the manner of empanneling petit jurors and fixing the number and compensation thereof;

Was read a second time.

Mr. Boyd moved the previous question;

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Boyd, Branham, Claypool, Edwards, Gregory, Griffin, Jefferis, Jones, Kempf, Mansfield, Mellett, Merrifield, Miller, Nelson, Newton, Power, Scott, Sherman, Smith of Perry, Stanfield, Stiles, Whiteman and Mr. Speaker—25.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Collier, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jordan, Kelly, Lewis, Major, Massey, Murray, Martin, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Shull, Smith of Miami, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel and Wood—54.

So the bill did not pass.

No. 48. A bill to amend the sixth section of "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17th, 1852.

Was read a third time.

Mr. Griffin, by unanimous consent, moved to amend the bill by striking out the word "shall," and inserting "may" in lieu thereof.

Which was agreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Cotton, Davisson, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jeffries, Jordan, Keefer, Kelly, Kempf, Lewis, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Whiteman, Wood, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Clements, Dobbins, Hancock, Jones and Merrifield—5.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

The Speaker laid before the House a memorial of the company for the detection and arrest of horse thieves in Marion county.

Which,

On motion,

Was referred to the select committee to which that portion of the Governor's message relating to this subject was referred.

The Speaker also laid before the House a communication from Wm. E. Niblack, relative to business pending between the State of Indiana and the Commissioner of Indian affairs in the Department of the Interior.

Which,

On motion,

Was referred to the committee on ways and means.

The Speaker laid before the House the following communication from the Superintendent of the institution for the education of the blind :

INSTITUTE FOR THE EDUCATION OF THE BLIND, {  
Indianapolis, January 31, 1859. }

HON. JONATHAN W. GORDON,

*Speaker of the House of Representatives :*

SIR :—I am in receipt of the following resolution of the House, to-wit :

“ *Resolved*, That the superintendents of our benevolent institutions be instructed to ascertain as far as practicable the names in full of parents of deaf and dumb, blind and insane and idiotic persons, the places of birth of said parents, their occupation, the number of their children, and how many of them may be either deaf, dumb, blind, insane or idiotic, and what ties of consanguinity may have existed before marriage ; and said superintendents be requested to report the result of their investigation to this General Assembly.”

And in reply thereto I have the honor to report as follows :

The records of the institute do not show all the facts called for by the House, consequently I am unable at this time to comply with its requirements as fully as its importance demands, but will endeavor to do so in my next annual report.

Availing myself however, of such information as the pupils now in the institution are enabled to furnish, I find that of twenty-eight cases of hereditary and congenital blindness, eighteen are the offspring of kindred parents.

Hereunto appended you will please find a tabular statement, embracing the cases abave alluded to, with the names of parents in full, their accupation, &c.



*STATEMENT showing the number of cases, names of Parents, &c., of all the cases of Hereditary and Congenital Blindness in the Institute.*

NAMES OF PARENTS.	Nativity.	Occupation.	No. of Children.	No. of Blind.	Cause of Blindness.	Degree of Consanguinity.	REMARKS.
Hiram Taulbee.....	Kentucky.....	Laborer.....	8	2	Hereditary.....		Father blind.
Eveline Bectery.....	Virginia.....	Laborer.....	8	3	Hereditary.....		Father blind.
Ira Taulbee.....	Kentucky.....	Miller.....	4	3	Hereditary.....		Father blind.
Kesiah Jones.....	Pennsylvania.....	Farmer.....	8	2	Congenital.....	Parents first cousins.....	
Samuel Smith.....	Virginia.....	Farmer.....	6	3	Congenital.....	Parents first cousins.....	
Sarah Gwin.....	Indiana.....	Farmer.....	10	3	Congenital.....	Parents first cousins.....	
George Barnes.....	Ohio.....	Farmer.....	13	7	Congenital.....	Parents first cousins.....	
Sarah Montgomery.....	Pennsylvania.....	Farmer.....	9	1	Congenital.....	Parents first cousins.....	
Benjamin Richard.....	Virginia.....	Farmer.....	2	1	Congenital.....		
Hannah Melice.....	Kentucky.....						
Wm. P. Foomb.....	Kentucky.....						
Hannah Moore.....	Ohio.....						
Mencer McKinsey.....	Kentucky.....						
Sarah Elmore.....	Kentucky.....						
Franklin Ganison.....	Kentucky.....						
Mahala Novins.....	Kentucky.....						
David Cape.....	Kentucky.....						
Mary New.....	Kentucky.....						
James Goodwin.....	Ohio.....						
Sarah A. Goble.....	Indiana.....						

NOTE.—The above statement includes all the cases of hereditary and congenital blindness in the Institute.

Mr. Firestone moved that the report be laid on the table and three hundred copies printed for the use of the House;  
Which was not agreed to.

On motion,  
The report was referred to the committee on benevolent institutions.

Mr. Gifford obtained leave and laid before the House a communication from Hon. Jas. B. Foley, touching the same matter referred to in the communication from Hon. Wm. E. Niblack,  
Which,

On motion,  
Was referred to the committee on ways and means.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House Bill No. 29, and find it correctly engrossed.

Mr. Parks, from the same committee, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 69, and find that said bill is correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following joint resolution of the House, viz:

Joint resolution No. 13. A joint resolution relative to the construction of a canal at the falls of the Ohio river.

Without amendment.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bill, viz:

House bill No. 12. A bill supplemental to "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.

Without amendment.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bills:

Senate bill No. 116. An act to repeal all laws, now in force, establishing the times of holding circuit courts in the second judicial circuit, and to fix the times of holding of said courts.

Senate bill No. 3. An act attaching the counties of Hancock, Madison Hamilton, Tipton and Howard to the seventh judicial circuit, and fixing the time of holding circuit courts in said circuit, and also repealing all laws conflicting therewith.

A message from the Governor by Mr. Osbourne, Executive Messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bill:

House bill No. 67. An act supplemental to an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852.

On motion by Mr. Keefer,  
The House adjourned until 2 o'clock P. M.



2 O'CLOCK, P. M.

The House met.

HOUSE BILLS ON THIRD READING.

No. 59. A bill to extend to borrowers of the sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund, and other funds, time of payment of loans, and prescribing the duties of the proper officers in regard thereto;

Was read a third time.

Mr. Hunter, by unanimous consent, moved to amend the first section by striking out "six" and inserting "four;"

Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boxley, Brotherton, Cavins, Clark, Claypool, Colgrove, Comstock, Dougherty, Eastham, Fordyce, Gifford, Griffin, Hamilton of Boone, Harney, Harrison, Hunter, Kempf, McLain, Massey, Martin, Murray, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Rynerson, Row, Scott, Sherman, Shields, Shockley, Stanfield, Turpie, Wheeler, Whiteman, Wildman and Mr. Speaker—40.

*Those who voted in the negative were,*

Messrs. Bowman, Branham, Carr, Clayton, Clements, Collier, Dobbins, Durham, Devol, Edwards, Firestone, Gregory, Hartley, Jones, Jordan, Knowlton, Lawhead, Lewis, Mansfield, Mellett, Merrifield, Miller, Nelson, Shull, Smith of Miami, Smith of Perry, Stiles, Sullivan, Thompson of Elkhart, Whetzel and Wood—31.

So the bill did not pass for want of a constitutional majority.

Mr. Clements moved to proceed to the consideration of bills on second reading;

Which was not agreed to.

No. 60. A bill to authorize the county commissioners of Grant county to open a settlement with Samuel N. Woolman, and grant any relief due said Woolman;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Cotton, Davisson, Dobbins, Devol, Early, Edwards, Fordyce, Gregory, Griffin, Hamilton of Wayne, Harney, Hunter, Kempf, Knowlton, Lawhead, Major, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Robinson, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Elkhart, Thompson of Madison, Whetzel, Whiteman and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Clements, Collier, Comstock, Dougherty, Durham, Firestone, Gifford, Hamilton of Boone, Hancock, Hartley, Jones, Jordan, Keefer, Lewis, Mellett, Merrifield, Ritter, Row, Sullivan, Wheeler and Wood—23.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 29. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, and to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act;

Was read a third time.

Mr. Turpie moved to reconsider the vote ordering the bill to be engrossed.

Mr. Stiles moved to lay the motion to reconsider on the table.

Messrs. Turpie and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boyd, Boxley, Brotherton, Cavens, Clark, Colgrove, Collier, Comstock, Davisson, Devol, Fordyce, Griffin, Hamilton of Wayne, Harney, Harrison, Hunter, Jones, Lawhead, Massey, Mellett, Murray, Martin, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—38.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Bowman, Branham, Carr, Claypool,

Clayton, Clements, Cotton, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Hamilton of Boone, Hancock, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Nelson, Newton, Prosser, Row, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Sullivan, Thompson of Madison, Turpie, Wheeler, and Wood—47.

So the motion to lay on the table did not prevail.

Mr. Keefer moved the previous question ;  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was so ordered.

The question being on the motion to reconsider the vote ordering the bill to be engrossed ;

Messrs. Keefer and Turpie demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Branham, Claypool, Clayton, Clements, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Firestone, Gifford, Hamilton of Boone, Hancock, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, Major, Mansfield, Merrifield, Miller, Nelson, Newton, Parks, Prosser, Row, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Madison, Turpie, Wheeler, Wood and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Austiu, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Colgrove, Collier, Comstock, Edwards, Fordyce, Gregory, Griffin, Hamilton of Wayne, Harney, Harrison, Jefferis, Jones, Lawhead, McLain, Massey, Mellett, Murray, Martin, Nebeker of Warren, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Thompson of Elkhart, Treadway, Whetzel, Whiteman and Wildman—38.

So the motion to reconsider did prevail.

Mr. Dougherty offered the following amendment :

Strike out section eight and insert the following :

SEC. 8. Every person who shall by himself or agent, directly or indirectly, knowingly sell, barter, or give away any spirituous or intoxicating liquors to any person who is in the habit of being in-



intoxicated, after notice shall have been given him by the wife, child, parent, brother or sister of such last named person, or by the overseer or overseers of the poor of the township where he resides, that such person is in the habit of being intoxicated, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than five nor more than fifty dollars.

The question being on the adoption of the amendment ;

Messrs. Dougherty and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hancock, Harney, Harrison, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Prosser, Row, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Madison, Turpie, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Colgrove, Collier, Comstock, Cotton, Fordyce, Hamilton of Boone, Hamilton of Wayne, Hunter, Jefferris, Lawhead, McLain, Nebeker of Warren, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Thompson of Elkhart, Treadway and Wildman—23.

So the amendment was adopted.

Mr. Turpie moved to amend by striking out " fifty dollars " and inserting " twenty dollars " in the proper place.

Mr. Austin moved to lay the amendment on the table.

Messrs. Prosser and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Gregory, Griffin, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferris, Jones, Lawhead, McLain, Massey, Murray, Nebeker of Warren, Nelson, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Thompson of Elkhart, Treadway, Whiteman, Wildman and Wood—38.

*Those who voted in the negative were*

Messrs. Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, Major, Mansfield, Mellett, Merrifield, Miller, Martin, Newton, Prosser, Row, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Madison, Turpie, Wheeler, Whetzel and Mr. Speaker—46.

So the motion did not prevail.

The question being on the adoption of the amendment offered by Mr. Turpie.

Messrs. Keefer and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were*

Messrs. Baird, Blythe, Bowman, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Firestone, Fordyce, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Newton, Prosser, Row, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Madison, Turpie, Wheeler, Whetzel and Mr. Speaker—46.

*Those who voted in the negative were*

Messrs. Austin, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Devol, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jones, Lawhead, McLain, Massey, Martin, Nebeker of Warren, Nelson, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Thompson of Elkhart, Treadway, Whiteman, Wildman and Wood—38.

So the amendment was agreed to.

Mr. Dougherty moved to amend by adding

SEC. —. Nothing in this act shall be so construed as to require a license to sell unadulterated lager beer in less quantities than a gallon.

Which was not agreed to.

Mr. Keefer moved to amend by striking out the words "one thousand" wherever they occur and inserting "five hundred."

The question then being upon the adoption of the amendment ;  
Messrs. Keefer and Firestone demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Bowman, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Firestone, Gifford, Hancock, Hartley, Jordan, Keefer, Kempf, Knowlton, Lewis, Major, Mansfield, Row, Shockley, Smith of Miami, Smith of Perry, Sullivan, Thompson of Madison, Turpie and Wheeler—26.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davison, Durham, Devol, Fordyce, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Jones, Kelly, Lawhead, McLain, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shull, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—56.

So the amendment was not agreed to.

Mr. Stanfield moved the previous question.  
Which was seconded by the House.

The question being, shall the main question be now put.  
It was so ordered.

The question being on ordering the bill to be engrossed,  
It was so ordered.

Mr. Stanfield moved that the bill be considered as engrossed and read a third time now.

Mr. Edwards moved the previous question.  
Which was seconded by the House.

The question being, shall the main question be now put ?  
It was so ordered.

The question being, shall the bill be considered as engrossed and read a third time now.  
It was agreed to.

The bill was then read a third time.



Mr. Dougherty, by consent of the House, moved to strike out the word "but" in the fifteenth section and insert in lieu thereof the word "and."

Which was agreed to.

Mr. Mansfield, by consent of the House, moved to strike out the word "medical" in the same section and insert the word "medicinal."

Which was agreed to.

The question then being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Comstock, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Harney, Harrison, Hartley, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Major, McLain, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nelson, Newton, Parks, Prosser, Row, Scott, Sherman, Shield, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Madison, Turpie, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Colgrove, Collier, Cotton, Dobbins, Firestone, Hamilton of Boone, Hamilton of Wayne, Hunter, Jeffers, Lewis, Miller, Nebeker of Warren, Power, Ritter, Robinson, Rynerson, Shockley, Thompson of Elkhart, Treadway and White—22.

So the bill passed.

Mr. Dougherty moved to amend the title by inserting in the proper place the following words:

"Prescribing penalties for violation of this act."

Which was agreed to.

*Ordered.* That the Clerk inform the Senate of the passage of the bill.

On motion by Mr. Early,  
The House adjourned.

WEDNESDAY MORNING, 9 o'clock, )  
February 2, 1859. }

The House met.

The Clerk proceeded to read the journal,  
When,  
Mr. Shull moved to dispense with the further reading ;  
Which was not agreed to.

The Clerk continued the reading of the journal,  
When,  
Mr. Edwards moved to dispense with the further reading  
thereof ;  
Which was not agreed to.

The journal was then read and approved.

Mr. Austin moved to commence the orders of the day at the point to which the House had progressed at the adjournment on yesterday ;  
Which was agreed to.

#### HOUSE BILLS ON THIRD READING.

No. 70. A bill to make certain appropriations for the digging of and constructing what is known as the Grand Calumet Canal or ditch in Lake county, Indiana, and defining the duty of the swamp land commissioners of Lake county in relation thereto ;  
Was read a third time, and  
The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boxley, Cavins, Clark, Clayton, Collier, Comstock, Davisson, Edwards, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Jefferis, McLain, Mansfield, Massey, Miller, Martin, Nebeker of Vermillion, Power, Ritter, Robinson, Scott, Sherman, Shockley, Shull, Stanfield, Sullivan, Treadway, Whiteman and Mr. Speaker—35.

*Those who voted in the negative were,*

Messrs. Boyd, Brotherton, Carr, Claypool, Dougherty, Devol, Early, Firestone, Fordyce, Hancock, Hartley, Hunter, Johnston,

Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, Major, Mellett, Murray, Nebeker of Warren, Nelson, Prosser, Row, Rynerson, Shields, Smith of Perry, Thompson of Elkhart, Thompson of Madison, Usrey, Whetzel, Wildman and Wood—37.

So the bill did not pass.

Mr. Dougherty moved to reconsider the vote on the bill ;  
Which was agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Dobbins, Devol, Edwards, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Johnston, Kempf, Knowlton, Lawhead, McLain, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Treadway, Wheeler, Whiteman and Mr. Speaker—61. 1

*Those who voted in the negative were,*

Messrs. Boyd, Dougherty, Early, Firestone, Gregory, Hartley, Jones, Jordan, Keefer, Kelly, Lewis, Major, Nelson, Row, Shields, Thompson of Elkhart, Thompson of Madison, Usrey, Whetzel, Wildman and Wood—21.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Murray was granted leave of absence for the remainder of the week.

No. 69. A bill to repeal all general laws now in force providing for the incorporation of bridge companies, and to provide for the incorporation of bridge companies, to authorize them to construct in connection with bridges, causeways across low bottoms, collect toll, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters properly connected therewith ;

Was read a third time, and

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Dougherty, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Johnston, Jordan, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Ritter, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Sullivan, Thompson of Elkhart, Treadway, Wheeler, Whetzel, Wildman and Whiteman—64.

*Those who voted in the negative were,*

Messrs. Brotherton, Firestone, Hamilton of Boone, Jones, Keefer, Knowlton, Power, Prosser, Robinson, Usrey, Wood and Mr. Speaker—12.

So the bill passed.

*Ordered* that the Clerk inform the Senate thereof.

No. 86. A bill for the relief of Jane Walker ;  
Was read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Dougherty, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Nelson, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Wildman and Wood—74.

*Those who voted in the negative were,*

Messrs. Boyd, Jones, Kelly and Mr. Speaker—4.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

No. 104. A bill to amend section seven of an act entitled "an act to authorize the construction of levees and drains," approved June 12th, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Boyd, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Davisson, Dobbins, Dougherty, Early, Eastham, Firestone, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Harney, Harrison, Hunter, Jones, Kempf, Lawhead, Lewis, Major, Mansfield, Massey, Merrifield, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Ritter, Robinson, Row, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Boxley, Claypool, Edwards, Hartley, Jordan, Kelly, McLain, Power and Rynerson—11.

So the bill passed.

*Ordered,* That the Clerk inform the House thereof.

#### HOUSE BILLS ON SECOND READING.

No. 123. A bill concerning interest on money and prescribing penalties for violations of the provisions thereof, and repealing all laws in conflict therewith.

Was read a second time, and

On motion by Mr. Sullivan,

Referred to the committee of the whole this afternoon at 2 o'clock;

Which was agreed to.

Mr. Hamilton of Boone, moved to instruct the committee as follows, to-wit:

Strike out "eight" and insert "six," in section—;

Which was agreed to.

Mr. Ritter moved to suspend the order of business and take up

House bill No. 97. A bill to provide for the election of a Superintendent of Public Printing, prescribing his duties, term of

office and compensation, &c., and repealing all laws conflicting therewith.

The question being on taking the bill from the table.

Messrs. Ritter and Cavins demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Branham, Cavins, Clark, Comstock, Davisson, Devol, Fordyce, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Johnston, Mansfield, Mellett, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Robinson, Scott, Smith of Miami, Stanfield, Stiles, Treadway, Whetzel, Whiteman and Wildman—31.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Boyd, Brotherton, Carr, Claypool, Clayton, Collier, Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Martin, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Smith of Perry, Snyder, Sullivan, Thompson of Elkhart, Turpie, Usrey, Wheeler, Wood and Mr. Speaker—47.

So the bill was not taken up.

No. 168. A bill to amend the title and the first section of an act entitled "an act authorizing railroad, plank road, turnpike road, and M'Adamized road companies, to borrow money and to secure the re-payment thereof by mortgage," approved February 5th, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of its shares, and to issue certificates therefor.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 124. A bill to prohibit the throwing of carrion or dead animals into running streams of this State, and prescribing the penalty for the violation thereof.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.



No. 125. A bill to prevent persons from riding, leading or driving any kind of animal or animals upon the track or embankments of railroads, or driving wagons or carriages thereon, except as therein provided, and prescribing punishment for violations thereof.

Was read a second time.

Mr. Stanfield moved to refer the bill to the committee on the judiciary.

Mr. Keifer moved to amend the motion by referring to the committee on rights and privileges of the inhabitants of the State;

Which was not agreed to.

The bill was then referred to the committee on the judiciary.

No. 126. A bill to amend section two of chapter five of an act entitled "an act providing for the election of clerks of the circuit court and prescribing some of their duties, in second vol. Revised Statutes, part first, concerning the organization of courts, providing for the election of their officers, and prescribing their general duties, and to repeal certain laws herein named.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 127. A bill to provide for the conveyance of real estate by any person or persons claiming right or title thereto.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 128. A bill to regulate the practice of the supreme court in the construction and interpretation of bills of exceptions set forth in transcripts.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 129. A bill touching pleadings in abatements and dilatory defences in civil actions.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 180. A bill for the relief of Joel Ellis, by paying him for improvements made upon certain lands illegally sold for taxes, and directing the same to be paid out of the State treasury.

Was read a second time, and

On motion,

Referred to the committee on claims.

No. 146. A bill to amend the twenty-second section of an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17th, 1852.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

No. 131. A bill to secure dues from private corporations.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 132. A bill to amend an act entitled "an act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7, 1852, amending sections 48 and 50, and repealing section 49 of said act.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 133. A bill supplemental to an act entitled "an act to amend the 65th and 66th sections of an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852, and supplemental thereto, approved February 20th, 1855.

Was read a second time.

Mr. Turpie moved to amend by adding the following section to the bill:

SEC. 2. All laws and parts of laws contravening with the provisions of this act are hereby repealed.

Which was agreed to, and

The bill so amended was ordered to be engrossed.

No. 158. A bill to provide for the management and disposal of the estates of persons who have mysteriously disappeared or who have deserted their families without having made any legal provision for the care of such estates and the support of their families.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

On motion by Mr. Collier,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

Mr. Nebeker of Vermillion obtained leave and presented

A petition from sundry citizens of Vermillion county, on the subject of interest;

Which,

On motion,

Referred to the committee of the whole House.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the enrolled joint resolution of the House, No. 13, with engrossed copy thereof, and find the same correctly enrolled.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled House bill No. 11, with engrossed copy thereof, and find the same correctly enrolled.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 2, 3, 19, 39, 52, 57, 79 and 95, and find them correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bill:



House bill No. 11. A bill to amend section 21 of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17th, 1852, so as allow the commissioners to make a levy of not less than one-tenth of one per cent ; without amendment.

The Speaker laid before the House the following communication from the Auditor of State :

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, January 31, 1859. }

HON. J. W. GORDON,

*Speaker of the House of Representatives :*

SIR:—In reply to the House resolutions of the 19th inst., I have the honor of stating that the cost of conveying convicts to the State prison from counties lying north of the National Road for the last two years was \$13,455 05, and from counties south of the National Road \$4,786 20.

A statement showing the counties from which convicts were taken is herewith transmitted.

Very respectfully

Your obedient servant,

JOHN W. DODD,

*Auditor of State.*

*STATEMENT Showing the date, name of county, and amount paid to the Sheriffs of the different counties in the State, for conveying convicts to the State prison.*

NORTH OF NATIONAL ROAD.

DATE.	NAMES OF COUNTIES.	Am't paid Sheriffs.
1856.		
November 6....	Cass.....	\$72 00
November 8....	St. Joseph.....	75 00
November 13...	LaGrange.....	93 00
November 13...	Laporte.....	76 00
November 13...	Hamilton.....	39 00
November 13...	Jay.....	63 00
November 13...	Marion.....	77 00
November 27...	DeKalb.....	112 80
November 28...	Tippecanoe.....	51 90
December 10....	Noble.....	87 00

*STATEMENT Showing the date, name of county and amount paid to the Sheriffs of the different counties in the State, for conveying convicts to the State prison.—Continued.*

DATE.	NAMES OF COUNTIES.	Am't paid Sheriffs.
1857.		
February 9.....	Parke.....	\$96 00
February 27.....	Marshall.....	91 20
February 28.....	Allen.....	106 40
February 28.....	Vermillion.....	49 50
March 7.....	Wabash.....	78 80
March 11.....	Fountain.....	74 00
March 12.....	C. W. Seely.....	411 00
March 12.....	Allen.....	106 40
March 23.....	Vigo.....	54 00
March 24.....	Jasper.....	70 50
March 26.....	Montgomery.....	48 60
April 1.....	Delaware.....	49 20
April 3.....	Porter.....	86 10
April 3.....	Miami.....	54 30
April 15.....	Hendricks.....	39 00
April 15.....	Madison.....	35 00
April 23.....	LaGrange.....	93 00
April 25.....	Tippecanoe.....	69 20
April 29.....	Warren.....	74 00
May 1.....	Tippecanoe.....	103 80
May 1.....	St. Joseph.....	75 00
May 11.....	DeKalb.....	84 60
May 14.....	Cass.....	54 00
May 18.....	Marion.....	44 00
June 1.....	Marion.....	33 00
July 18.....	Fountain.....	55 50
July 18.....	Marion.....	33 00
August 18.....	Parke.....	80 00
August 19.....	Marshall.....	68 40
August 24.....	Hancock.....	39 00
September 4.....	Vermillion.....	66 00
September 5.....	Wabash.....	59 10
September 22...	Montgomery.....	113 40
September 22...	Wayne.....	45 90
September 23...	Kosciusko.....	70 80
September 24...	Lake.....	91 50
September 26...	Vigo.....	81 00
September 30...	Delaware.....	49 20
October 1.....	Porter.....	114 80

*STATEMENT showing the date, name of county, and amount paid to the Sheriffs of the different counties in the State, for conveying Convicts to the State Prison.—Continued.*

DATE.	NAMES OF COUNTIES.	Am't paid Sheriffs.
1857.		
October 8.....	Boone .....	\$55 20
October 8.....	Vigo .....	81 00
October 11.....	Putnam .....	42 00
October 16.....	Laporte .....	177 80
October 29.....	Warren .....	55 50
October 9.....	Hendricks .....	39 00
November 4....	Tippecanoe .....	51 90
November 6....	St. Joseph .....	100 00
November 19...	Noble.....	87 00
November 20...	Allen .....	79 80
November 20...	Warren .....	55 00
November 20...	Allen .....	79 80
November 21...	Allen .....	79 80
November 21...	Vigo .....	81 00
November 26...	Allen .....	79 80
November 27...	Carroll.....	52 50
November 30...	Allen .....	79 80
December 2.....	Allen .....	79 80
December 9.....	Boone .....	55 20
December 30...	Wayne .....	45 90
1858.		
February 13....	Wells .....	94 00
February 13....	Parke . . . . .	48 00
February 25....	C. C. Wells.....	33 45
February 26....	Marshall.....	68 40
March 10.....	Fountian .....	55 50
March 18.....	Vigo.....	81 00
March 22.....	Wayne .....	91 80
March 24.....	Montgomery .....	48 60
March 26.....	Elkhart.....	130 00
April 2.....	Lagrange .....	93 00
April 3.....	Lagrange .....	93 00
April 6.....	White .....	82 00
April 6.....	Porter .....	86 10
April 8.....	Vigo .....	81 00
April 8.....	Lagrange .....	124 00
April 10.....	Lagrange .....	93 00
April 10.....	Tippecanoe.....	51 90
April 12.....	Lagrange .....	93 00



*STATEMENT Showing the date, name of county and amount paid to the Sheriffs of the different counties in the State, for conveying convicts to the State prison.*

DATE.	NAMES OF COUNTIES.	Am't paid Sheriffs.
1858.		
April 12.....	Hendricks.....	\$52 00
April 15.....	LaGrange.....	186 00
April 22. ....	Tippecanoe.. ....	51 90
April 22.....	DeKalb.....	141 00
April 23.....	Benton.....	60 90
April 23.....	LaPorte.....	101 60
April 27.....	Tippecanoe.....	51 90
April 30.....	Tippecanoe.....	51 90
April 17.....	LaPorte.....	381 00
May 7.....	Allen.....	79 80
May 7.....	Allen.....	79 80
May 7.....	Noble.....	87 00
May 12.....	St. Joseph.....	125 00
May 12.....	Allen.....	79 80
May 12.....	Henry.....	54 80
May 12.....	Allen.....	79 80
May 17.....	Allen.....	79 80
May 24.....	Allen.....	79 80
May 25.....	Tippecanoe.....	51 90
May 25.....	Carroll.....	52 50
May 27.....	Allen.....	79 80
May 28.....	Allen.....	79 80
June 15.....	Allen.....	79 80
June 21.....	Noble.....	87 00
June 24.....	Noble.. ....	87 00
June 25.....	Noble.....	116 00
August 14.....	Parke.....	144 00
August 16.....	Blackford.....	74 00
August 21.....	Marshall.....	68 40
September 2....	Adams.....	73 50
September 8....	Fountain.....	111 00
September 8....	Noble.....	87 00
September 11...	Wayne.....	57 60
September 11...	Madison.....	45 90
September 11...	Vigo.....	40 50
September 21...	Montgomery.....	129 60
September 21...	Wayne.....	45 90
September 24...	Wayne.....	45 90
September 30...	Porter.....	114 80

*STATEMENT Showing the date, name of county and amount paid to the Sheriffs of the different counties in the State, for conveying convicts to the State prison.—Continued.*

DATE.	NAMES OF COUNTIES.	Am't paid Sheriffs.
1858.		
September 30...	Porter.....	\$229 60
October 1.....	Boone.....	82 80
October 4.....	Boone.....	55 20
October 5.....	Boone.....	41 40
October 6.....	Benton.....	60 90
October 7.....	Hendricks.....	49 20
October 7.....	Delaware.....	52 00
October 15.....	Vigo.....	81 00
October 18.....	Elkhart.....	130 00
October 18.....	LaGrange.....	93 00
October 20.....	Vigo.....	40 50
October 21.....	LaGrange.....	93 00
October 21.....	LaPorte.....	304 80
October 22.....	Randolph.....	76 00
October 29.....	LaGrange.....	124 00
October 30.....	Tippecanoe.....	121 10
November 4....	DeKalb.....	84 60
November 6....	St. Joseph.....	125 00
November 8....	DeKalb.....	84 60
November 10...	Putnam.....	42 00
November 10...	Henry.....	41 10
November 10...	Henry.....	41 10
November 11...	Cass.....	72 00
November 15...	Allen.....	79 80
November 17...	Blackford..	55 50
November 17...	Tippecanoe.....	51 90
November 17...	Allen.....	79 80
November 18...	Allen.....	79 80
November 19...	Allen.....	106 40
November 20...	Allen.....	79 80
November 22...	Allen.....	79 80
November 24...	Allen.....	79 80
November 25...	Allen.....	79 80
November 26...	Allen.....	79 80
November 26...	Allen.....	79 80
December 2.....	Marion.....	66 00
December 15...	Porter.....	86 10
December 24...	Clinton.....	48 60
Total North of National Road..		\$13,455 05

*STATEMENT showing the date, name of county, and amount paid to the Sheriffs of the different counties in the State, for conveying Convicts to the State Prison.*

## SOUTH OF NATIONAL ROAD.

DATE.	NAMES OF COUNTIES.	Am't paid Sheriffs.
1856.		
November 1...	Jefferson .....	\$25 00
November 1...	Decatur .....	38 00
November 10...	Vanderburgh .....	285 00
November 14...	Warrick .....	40 00
November 17...	Dearborn .....	37 00
November 19...	Monroe.....	28 50
November 25...	Morgan.....	34 80
November 25...	Dearborn.....	62 50
December 9...	Perry .....	40 00
December 18...	Spencer .....	44 00
1857.		
March 20 .....	Ripley .....	22 50
March 20 .....	Johnson .....	36 00
April 1 .....	Clay .....	37 80
April 9 .....	Orange... ..	13 50
April 15 .....	Washington .....	11 40
April 17 .....	Sullivan.....	36 00
April 24 .....	Posey.....	100 00
May 2 .....	Vanderburgh.....	60 00
May 6 .....	Decatur .....	28 50
May 6 .....	J. S. Ganet.....	599 00
May 9 .....	Gibson.....	33 00
May 12 .....	Dearborn.....	37 50
May 16 .....	Dearborn.....	50 00
May 19 .....	Dearborn.....	37 50
May 22 .....	Morgan .....	34 80
May 25 .....	Knox .....	53 00
May 26 .....	Monroe.....	66 50
June 8 .....	Bartholomew.....	19 80
June 15 .....	Perry .....	40 00
July 31 .....	Greene.....	33 00
September 9...	Sullivan.....	36 00
September 23...	Johnson .....	27 00
September 23...	Fayette .....	39 60
September 24...	Floyd.....	4 40
September 30...	Ripley.....	30 00
October 2.....	Knox.....	31 80



*STATEMENT showing the date, name of county, and amount paid to the Sheriffs of the different counties in the State, for conveying Convicts to the State Prison.—Continued.*

DATE.	NAMES OF COUNTIES.	Am't paid Sheriffs.
1857.		
October 7.....	Washington .....	\$22 80
October 7.....	Franklin .....	36 00
October 8.....	Jackson.....	16 50
October 10.....	Daviess .....	27 00
October 26.....	Jefferson .....	15 00
November 7...	Vanderburgh.....	100 00
November 9...	Orange .....	13 50
November 11...	Decatur .....	38 00
November 26...	Monroe .....	28 50
December 17...	Vanderburgh .....	60 00
1858.		
January 8 .....	Owen .....	33 00
March 3 .....	Sullivan .....	36 00
March 8 .....	Daviess .....	27 00
March 9 .....	Pike.....	27 90
March 18 .....	Dubois .....	26 10
March 15 .....	Ohio .....	33 00
March 19 .....	Ripley.....	37 50
March 30 .....	Clay .....	37 80
April 15.....	Gibson .....	154 00
April 15.....	Jefferson .....	25 00
April 21 .....	Clarke .....	9 80
April 22.....	Knox .....	31 80
April 22 .....	Floyd.....	3 60
April 28 .....	Shelby .....	29 40
April 28 .....	Posey.....	42 90
May 6 .....	Vanderburgh.....	165 00
May 10.....	Bartholomew...	79 80
May 12.....	Decatur .....	28 50
May 12.....	Crawford .....	11 10
May 17.....	Warrick .....	30 00
May 28.....	Monroe .....	28 50
June 16....	Dearborn .....	37 50
July 6 .....	Harrison.....	10 00
July 9 .....	Knox .....	31 80
September 1 ...	Greene.....	33 00
September 8 ...	Ripley .....	22 50
September 15...	Washington .....	11 40
September 15...	Johnson .....	27 00
September 23...	Ohio.....	33 00

*STATEMENT Showing the date, name of county and amount paid to the Sheriffs of the different counties in the State, for conveying convicts to the State prison.—Continued.*

DATE.	NAMES OF COUNTIES.	Am't paid Sheriffs.
1858.		
September 30...	Gibson.....	\$88 00
October 1 .....	Knox.....	33 00
October 6.....	Clay.....	47 80
October 8.....	Jennings.....	57 60
October 9.....	Jefferson.....	15 00
October 28.....	Harrison.....	8 00
November 3....	Vanderburgh.....	240 00
November 9....	Decatur.....	76 00
November 16 ...	Spencer.....	55 00
November 24 ...	Greene.....	55 00
November 26 ...	Monroe.....	28 50
November 30 ...	Sullivan.....	36 00
December 2.....	Bartholomew.....	39 60
December 3.....	Dearborn.....	112 50
December 4.....	Switzerland.....	45 00
December 15....	Owen .....	44 00
1859.		
January 10 .....	Pike.....	93 00
January 21.....	Gibson .....	77 00
	Total South of National Road..	\$4,786 20

On motion,

The communication was referred to the committee on State prison.

Mr. Merrifield obtained leave and presented a memorial from A. Lyttle Jones, in reference to a certain claim therein named ;  
Which,

On motion,

Was referred to the committee on claims.

Mr. Lawhead obtained leave and offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of repealing or modifying the laws in force authorizing railroad companies to take real estate subscriptions for stocks, and to provide some method whereby farmers and

others who have been cheated or defrauded of their lands may recover the same back from such railroad company, and that they report by bill or otherwise ;

Which was agreed to.

The hour having arrived the House went into committee of the whole on

House bill No. 22. A bill to amend the first, second and third sections of an act approved May 27, 1852, entitled "an act concerning interest on money," also

No. 65. A bill to amend section four of "an act concerning interest on money," approved May 27, 1852, so as to allow the recovery of principal and legal interest, also,

No. 123. A bill concerning interest on money, prescribing penalties for the violation of the provisions thereof, and repealing all laws in conflict therewith ;

With Mr. Edwards in the chair.

After remaining in session some time the committee rose and made the following report through their chairman :

MR. SPEAKER :

The committee of the whole House, to whom was referred bill No. 22, "a bill to amend the first, second and third sections of an act approved May 27, 1852, "an act concerning interest on money," with the pending amendment recommended by the committee on rights and privileges ; also No. 65, a bill to amend section four of an act entitled "an act concerning interest on money," approved May 27, 1852, so as to allow the recovery of principal and legal interest on contracts for more than legal interest ; also bill No. 123, a bill concerning interest on money, prescribing penalties for violations of the provisions thereof, and repealing all laws in conflict therewith, and also a petition from sundry citizens of Vermillion county, praying for an increase of the rate of interest in cases of special contract, to ten per cent., have had the same under consideration, directed me to report back bill No. 22, and recommend that it be laid on the table ; also to report back bill No. 65, and recommend that it be indefinitely postponed ; and also to report back bill No. 123, and the petition from citizens of Vermillion county, and recommend that they be laid on the table and that the committee be discharged.

On motion by Mr. Nebeker of Warren,  
The House adjourned until to-morrow morning, 9 o'clock.



THURSDAY MORNING, 9 o'clock, }  
February 3, 1859. }

The House met.

The Clerk proceeded to read the journal.

When,

On motion by Mr. Boyd,

The further reading was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Mellett,

A memorial from sundry citizens of Henry county, in regard to the game laws ;

Which,

On motion,

Was referred to the committee on the judiciary.

By Mr. Wildman,

A petition from sundry citizens of Lagrange county, in regard to the Canada Thistle ;

Which,

On motion,

Was referred to the committee on the rights and privileges of the inhabitants of this State.

The Speaker laid before the House a petition from John E. Foudray, sheriff of Marion county, in reference to a certain claim therein named ;

Which,

On motion,

Was referred to the committee on claims.

By Mr. Griffin,

A petition from sundry citizens of Lake county, on the subject of roads and highways ;

Which,

On motion,

Was referred to the committee on roads.

By Mr. Smith of Miami,

A petition signed by C. A. Richards and others, in regard to reducing the price of public printing ;

Which,

On motion,

Was referred to the committee on public expenditures.

The Speaker laid before the House a petition signed by William Sheets, of Marion county, in reference to a certain claim therein named.

On motion by Mr. Blythe,

The petition was referred to a select committee of five.

Messrs. Blythe, Meilett, Stanfield, Davis and Turpie were appointed said committee.

By Mr. Merrifield,

A petition signed by Thomas G. Little, in regard to a claim therein named ;

Which,

On motion,

Was referred to the committee on claims.

By Mr. Nebeker of Vermillion,

A petition from sundry citizens of Vermillion county, on the subject of the Wabash and Erie Canal ;

Which was,

On motion,

Together with the accompanying documents referred to the committee on canals.

By Mr. Smith of Perry,

A petition from sundry citizens of the county of Perry, on the subject of re-locating county seats ;

Which,

On motion,

Was referred to a select committee, consisting of Messrs. Colgrove Jones, Sherman, Snyder and Martin.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Cavens, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 25, a bill for the relief of Peter Schultz, of Greene county, and releasing to him the interest which the State holds in certain real estate, have had the same under consideration, and have directed me to report the same to the House and recommend its passage ;

Which was concurred in, and the bill ordered to be engrossed.

Mr. Mellett, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 42, entitled an act to regulate the practice in certain cases appealed to the supreme court, have had the same under consideration, and instruct me to report the same back to this House and recommend its passage ;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Mellett, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 147, entitled a bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares, and to issue certificates thereof, have had the same under consideration, and instruct me to report the same back to this House and recommend its passage ;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Colgrove, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred resolution No. 33, the same being a resolution inquiring whether the Legislature has the power to prohibit the issuing and circulation of bank bills of a less denomination than five dollars, by banks in this State, have had the same under consideration, and have instructed me to make the following report :



Your committee find that there are existing in this State two separate and distinct classes of banks. The first are known as "free banks," and are organized under the general banking laws of this State, passed at the session of 1852, and the amendatory act of 1855. The second is the Bank of the State, with its several branches, organized under the act of 1855, passed for that purpose.

By the third section of the act of 1852, the free banks were expressly authorized to issue the bills of the usual denomination issued by banks, from one dollar to five hundred dollars. The amendatory act of 1855 restricts the issue of small bills by these free banks to one twentieth of their respective issues. The 32d section of the act of 1852, upon the subject of free banking, and the 33d section of the amendatory act of 1855, expressly reserve the right to the State to alter, amend or change the law upon that subject. The free banks of the State, organized under either of said acts, have accepted their franchise under and upon the conditions as above stated.

Your committee are therefore of the opinion that the Legislature has power to prohibit the issuing or circulation of bills of a less denomination than five dollars, by the free banks of this State.

The bank of the State and its several branches was organized under a special law of the State, passed for that purpose. The 58th section of the act under which it was organized, expressly authorized that bank to make one sixth of her issue of a less denomination than five dollars. The State has not reserved the right to alter or amend the law under which this bank was organized, but on the contrary she has granted to the bank rights and privileges for the term of twenty years.

Your committee regard the law, from and after the time of the organization of the bank and its branches, as a solemn contract between the State and the corporators, and that the State has no legal power to violate it, by increasing the obligations or imposing restrictions on the bank, not provided for by the original act.

Your committee are of the opinion, that in as much as the State has no right to restrict the Bank of the State in her issues as contemplated by the resolution, a law restricting our free banks would be unjust and inexpedient.

All of which is respectfully submitted.

Which was concurred in.

Mr. Parrett, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 101, entitled, "an act to regulate the practice in civil causes in the courts of this State, in taking exceptions to the overruling of de-

murrors," have had the same under consideration, and instructed me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Colgrove, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred House bill No. 168, entitled "a bill to amend an act entitled 'an act authorizing railroad, plank road, turnpike road and McAdamized road companies to borrow money, and to secure the repayment thereof, by mortgage,' approved February 5th, 1852," have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Stanfield, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred House bill No. 31, entitled "a bill to amend the 228th section of an act entitled 'an act to simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852," have had the same under consideration, and directed me to make the following report, viz: That the committee are of the opinion that legislation is inexpedient, unless all instruction is taken off, and all parties allowed to testify in their own cases, and therefore direct me to report the same back to this House, and recommend its indefinite postponement.

Which was concurred in, and the bill indefinitely postponed.

Mr. Parrett, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred the following resolution, to-wit:

*Resolved*, That the committee on the judiciary inquire into the constitutionality of section six of an act entitled "an act regulating the fees of officers, page 291, when compared with section 21 article 1, of the constitution of the State of Indiana,"

Have had the same under consideration, and instructed me to report the same back, with the suggestion that it is unnecessary to inquire into the constitutionality of the section and act referred to, the same having been repealed in 1855, and that they deem inquiry as to any conflict of principle of that section, or any law containing a similar section, with the constitution of the State, as unnecessary, the same having been settled by the uniform rulings of the courts of the State, and therefore they recommend that the resolution be indefinitely postponed,

Which was concurred in.

Mr. Stanfield, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 126, entitled "an act providing for the election of clerks of the circuit court, and prescribing some of their duties, in second vol., Revised Statutes, first part, concerning the organization of courts, providing for the election of their officers, and prescribing their general duties, and repeal certain laws herein named, have had the same under consideration, and have directed me to report, that they are of opinion that any future legislation on that subject is inexpedient, and therefore recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Branham, from the committee on ways and means, made the following report:

MR. SPEAKER:

I am directed by the committee of ways and means to present the following bills to the House for the purpose of re-organizing the financial system of the State, and recommend their passage:

No. 192. A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State.

Was read a first time and passed to a second reading.



No. 193. A bill relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries.

Was read a first time and passed to a second reading.

No. 194. A bill to provide for the election and duties of a Comptroller of State.

Was read a first time and passed to a second reading.

No. 195. A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public money of the State and the several counties, and for the safe keeping of public money.

Was read a first time.

Mr. Branham moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Colgrove, Collier, Comstock, Dobbins, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Jefferis, Johnston, Jones, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin. Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Wood and Mr. Speaker—79.

No person voting in the negative.

So the rule was suspended and the bill read a second time by its title.

Mr. Branham moved that the bill be laid on the table and three hundred copies printed—two hundred for the use of the House and and one hundred for the Senate.

Which was agreed to.

Mr. Branham moved to suspend the rule and read House bill No. 194 a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Davisson, Dobbins, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Jefferis, Johnston, Jones, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker—80.

No one voting in the negative.

So the rule was suspended and the bill read a second time by its title.

Mr. Branham moved that the bill be laid on the table and three hundred copies printed—two hundred for the use of the House and one hundred for the Senate.

Which was agreed to.

Mr. Dobbins moved to suspend the rule and read House bill No. 193 a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Jefferis, Johnston, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Thomp-

son of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. Jones and Miller—2.

So the rule was suspended and the bill read a second time by its title.

Mr. Dobbins moved that the bill be laid on the table and three hundred copies printed—two hundred for the use of the House and one hundred for the Senate.

Which was agreed to.

Mr. Sullivan moved to suspend the rule and read House bill No. 192 a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Cotton, Davisson, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Jeffries, Johnston, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shu'l, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—81.

*Those who voted in the negative were,*

Messrs. Jones and Miller—2.

So the rule was suspended and the bill read a second time by its title.

Mr. Gregory moved that the bill be laid upon the table and three hundred copies printed—two hundred for the use of the House and one hundred for the Senate.

Which was agreed to.



Mr. Stanfield, from the committee on the judiciary, obtained leave and made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House bill Fo. 131, "a bill to secure dues from private corporations," have had the same under consideration and recommend the adoption of the following amendments, and when so amended recommend the passage of the bill.

Strike out section two and insert the following :

SEC. 2. The stockholders and members of such corporations shall be individually liable for its debts to an amount equal to the interest or stock which they may respectively have therein, and the privileges or immunities which have been heretofore granted to such corporations, shall upon the same terms, equally belong to all citizens who may desire to incorporate themselves for the same purposes, subject to the individual liability aforesaid.

The report was concurred in and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Stiles, from the committee on the judiciary, obtained leave and made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred House bill No. 129, entitled "an act touching pleadings in abatement and dilatory defences in civil actions," have had the same under consideration, and instruct me to report the same back to this House, striking out the words "and dilatory defences," wherever they may be found in the title or sections of the bill, and recommend that the bill so amended pass.

The report was concurred in and the bill ordered to be engrossed.

Mr. Parrett, from the committee on the judiciary, obtained leave and made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred House bill No. 105, entitled "an act to compel owners of town lots to grade and pave sidewalks, and fixing the penalty thereto," have had the same under consideration, and instruct me to report the same back to this House with the following amendment, and that the bill so amended pass ;

Strike out the words "together with twenty-five per cent. damages," in the fourth section.

The report was concurred in and the bill ordered to be engrossed.

Mr. Stanfield moved to reconsider the vote taken this morning on concurring in the report of the committee on House bill No. 126.

Which was not agreed to.

Mr. Mansfield, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred House bill No. 107, entitled "an act to provide that the amount of sinking fund on loan, or on hand shall be considered the principal of said fund, and for the payment of the interest on the bank bonds, and expenses, out of the interest on said fund, and for appropriating the balance to the support of common schools, and repealing all laws contravening the provisions of this act," have had the same under consideration, and have directed me to report this bill back to the House, with the following amendments, and when so amended recommend its passage:

Amend by inserting before section one the following preamble:

WHEREAS, the 114th section of an act entitled "an act to establish a State Bank," approved on the 28th day of January, 1834, prescribes that the principal and interest of the sinking fund shall be reserved and set apart for the purpose of paying off certain State debts and the interest thereon, and shall not be expended for any other use until said purpose shall have been accomplished, but thereupon the residue of said fund shall become a permanent fund, to be applied to the cause of common schools, in such manner as the General Assembly may direct;

AND WHEREAS, The present means and assets of the sinking fund are more than sufficient to meet the aforesaid demand upon the State;

AND WHEREAS, By an act entitled "an act to secure to the sinking fund a debt which the State owes to said fund, and to provide for the payment of interest on said debt," approved on the 23d day of December, 1858, the State has on its own behalf, warranted the full and prompt discharge of said liabilities;

AND WHEREAS, The evident intention to secure the payment of the aforesaid liabilities, as expressed in said 114th section of the bank act, has now been fully complied with.

Therefore, amend further, by striking out section 5.

Amend also, by adding to the 6th section, the following words:

“There being an emergency on account of the want of means for the proper support of the common schools.”

The report was concurred in and the bill ordered to be engrossed.

Mr. Jones moved to suspend the order of business, to enable him to make a report from a select committee;

Which was not agreed to.

Mr. Boyd, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a memorial of the trustees of the town of Carlisle, have had the same under consideration and have instructed me to report that legislation on the subject thereof is unnecessary, and therefore inexpedient.

Which was concurred in.

Mr. Cavins, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred House bill No. 180 and the memorial of Joel Ellis, have had the same under consideration and are of opinion that the claim of said Joel Ellis, is not such a claim as would justify relief by the Legislature. They believe that said claimant's remedy should be on the warranty in his deed, and as an occupying claimant, and have directed me to report said bill and memorial back, and recommend that they be referred to the committee on the judiciary for further consideration.

Which was concurred in.

Mr. Branham made the following report, from the committee on sinking fund:

MR. SPEAKER:

The committee on sinking fund, to whom was referred a resolution of the House directing us to inquire whether any pledge would be violated by appropriating the interest received on loans of the sinking fund annually, to the support of common schools have had the same under consideration and have directed me to



report, that in their opinion it will be a violation of the act creating the fund, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Nelson, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER :

Your committee, to whom was referred House bill No. 146. A bill to amend the 22d section of an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852, have had the same under consideration and requested me to report the same back with the following amendment:

Strike out "one year," and insert in place thereof, "six months," and with this amendment recommend its passage.

Which was not concurred in.

The question being shall the bill be engrossed?

It was not so ordered.

Mr. Jefferis, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER :

A majority of the committee on rights and privileges, to whom was referred the memorial of the "Indiana Yearly Meeting of Friends," and also the petition of the colored citizens of Indiana, have had the same under consideration and have directed me to report the following bill and recommend its passage:

No. 196. A bill to repeal an act entitled "an act to prohibit the evidence of Indians and persons having one eighth or more of negro blood, in all cases where white persons are parties in interest," approved February 14, 1853.

Was read a first time.

Mr. Blythe objected to receiving the bill.

The question being on rejecting the bill?

Messrs. Dougherty and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Branham, Carr, Cavins, Claypool, Clayton, Collier, Davisson, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead,

Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Row, Rynerson, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Sullivan, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel and Wood—65.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Brotherton, Clark, Comstock, Hall of Grant, Hamilton of Wayne, Jefferis, Mellett, Parks, Power, Ritter, Robinson, Scott, Sherman, Stanfield, Stiles, Treadway, Whiteman and Wildman—20.

So the bill was rejected.

Mr. Brotherton, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of this State, to whom was referred House bill No. 121, "a bill to provide for the protection of fish in lakes in this State, and defining the time in which the same may be caught in seines or nets, and declaring the penalty for the violation of this act," have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage, with the following amendment: Strike out all after the enacting clause and insert the following: That every person who shall catch any fish in the waters of any lake in this State, with seines or nets of any description whatever, between the first day of March and the first day of September in each year, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than five dollars nor more than fifty dollars; and any person who may have been engaged in catching fish in violation of this act may be compelled to testify against the others therein concerned.

Mr. Whetzel moved to recommit the bill with the following instructions:

"Amend in the proper place by including rivers and creeks where the banks are both within this State, and the bed thereof is not owned by any person or persons within this State."

Mr. Sullivan moved to lay the motion to recommit and the instructions upon the table.

Mr. Hamilton of Boone moved to amend by including in the motion to lay on the table the bill and report;  
Which was agreed to.

The motion as amended was then agreed to.

Mr. Parks, from the committee on the rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of this State, to whom was referred House bill No. 108: "A bill to prevent the gathering of cranberries from any of the public, State, and non-resident's lands in this State, and providing penalties therefor," have had the same under consideration, and instruct me to report the same back, with the following amendment, and after it is so amended, recommend its passage. Amend by striking out all after the enacting clause and inserting the following, viz:

That any person who shall gather cranberries from any of the public, State, or non-resident lands of this State, between the first day of May and the first day of September of any year, shall be deemed guilty of a misdemeanor, and on conviction thereof, in a court of competent jurisdiction, shall be fined in any sum not exceeding twenty-five dollars for each offense. *Provided, however,* that nothing herein contained shall be so construed as to prevent any person from gathering cranberries at any times on lands of which he is the owner. *Provided,* it shall be sufficient in the prosecution for violations of this act, to prove that the lands are reputed in the neighborhood where it lies to be public, State or non-resident lands.

Mr. Keifer moved to lay the report and bill on the table;  
Which was agreed to.

Mr. Row was granted leave of absence until Tuesday next.

Mr. Griffin, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined engrossed House bill No. 16, and engrossed House bill No. 50, and find them correctly engrossed.

Mr. Rynerson, from the committee on benevolent institutions made the following report :



MR. SPEAKER :

The committee on benevolent institutions, to whom was referred the communication of the Superintendent of the Institution for the Blind, in answer to a resolution of this House, relative to the names, number, &c., of blind persons, who are children of parents connected by ties of consanguinity, have considered, and instructed me to report the same back, without recommendation, as no action is necessary.

Which was concurred in.

Mr. Stanfield, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred House bill No. 5, "to incorporate school townships, defining their powers, requiring the title of school lots to be vested in the corporate name of the township, town or city, in which the same is situate, authorizing public school-houses to be occupied for private schools and for other meetings ; to authorize the common council or aldermen of a city and the trustees of an incorporated town to levy all taxes for schools and for the building and repairing of school-houses, and to repeal all laws inconsistent with this act," have had the same under consideration, and directed me to report the same back, without amendment, and recommend its passage.

Which was concurred in, and

Bill No. 5 ordered to be engrossed.

Mr. Brotherton, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred a resolution of the House, instructing said committee to inquire into the expediency of enacting a law compelling all railroad companies in this State to fence their road ways, except when the same are crossed by public highways, or when the same traverse the plats of towns or cities, have had the same under consideration, and directed me to report the same back to this House, and recommend that it be laid on the table.

Which was concurred in.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Jones, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred House bill No. 74. "a bill to prohibit the circulation of bank bills, of a less denomination than five dollars, in this State, and fixing the penalty thereof," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Mr. Turpie moved to recommit the report and bill to the committee on the judiciary ;  
Which was agreed to.

Mr. Collier, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 114, being a bill to prevent the sale, barter or giving away of mixed or adulterated spirituous, malt, or other intoxicating liquors, and to provide punishment for the violation thereof, have had the same under advisement, and directed me to report the same back to the House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Boyd, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the House resolution instructing us to inquire into the expediency of so amending the road law, as to allow supervisors a credit on their road working for the ensuing year, instead of paying them out of the township funds, have had the same under consideration, and authorized me to report the following bill, and recommend its passage :

No. 197. A bill to amend the first section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. Brotherton, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 118, a bill to provide penalties and to prescribe punishment for

the officers of any banking institution failing to pay deposits or redeem their bills on presentation, have had the same under consideration, and have directed me to report the same back to the House, and recommend that it be laid on the table.

Which was concurred in.

#### RESOLUTIONS.

On motion by Mr. Dobbins,

*Resolved*, That the committee on county and township business, be instructed to inquire into the expediency of so amending the law regulating the duties of county surveyor so as to enable land owners who may be dissatisfied with the re-establishment of a last corner or a line of a county surveyor, to jointly call two or more competent surveyors and have the same satisfactory to the parties re-established, and recorded so as to avoid an expensive litigation scarcely ever leaving the parties any better satisfied.

Mr. Jones offered the following resolution :

*Resolved*, That the use of this House be granted to the Indiana Association for the Advancement of Science, on Friday next, at 7 o'clock ;

Which was not agreed to.

On motion by Mr. Hunter,

*Resolved*, That the Auditor of State be requested to furnish to this House immediately what amount has been audited and paid out of the treasury to the former Secretary of State, and for what purposes, and also the amount audited and paid to the present secretary, and for what purposes, also the amount audited and paid out, and to whom, for selecting swamp lands.

Mr. Sullivan offered the following resolution :

*Resolved*, That in the opinion of this House there should be a law regulating the traffic and sale of patent medicines and quack nostrums in this State, and to prevent as far as possible the frauds that are being daily practiced upon the people by the sale of said compounds ;

Which was agreed to, and

On motion by Mr. Sullivan,

Referred to a select committee of five.

The Speaker appointed Messrs. Sullivan, Sherman, Kempf, Mellett and Robinson said committee.



On motion by Mr. Parrett,

*Resolved*, That the committee on benevolent institutions be requested and instructed to report a bill providing for the enlargement of the Hospital for the Insane, so as to afford sufficient accommodation as an asylum, for the class of patients who are now from time to time discharged from this Hospital as incurable.

On motion by Mr. Rynerson,

*Resolved*, That the committee on benevolent institutions be and they are hereby authorized to send for persons and papers, and to administer oaths, and to do all other things that may be necessary to a complete and full investigation of the affairs and conditions of said institutions.

Mr. Turpie offered the following resolution :

*Resolved*, That the House will, the Senate concurring, go into joint convention for the purpose of electing six trustees for the Asylum for the Deaf and Dumb, six trustees for the Asylum for the Blind, and six commissioners for the Hospital for the Insane, on Wednesday next 10 o'clock, A. M.

Mr. Edwards moved to lay the resolution on the table ;  
Which was agreed to.

Mr. Knowlton offered the following resolution :

*Resolved*, That the committee on public buildings be requested to inquire into the expediency of this Legislature's authorizing the building of a new State House for legislative and judiciary purposes within the next two years, and to report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Scott,

*Resolved*, That the judiciary committee be instructed to inquire whether the crime of procuring abortion is sufficiently defined by statute, and also whether the punishment prescribed is adequate to the magnitude of the offense.

Mr. Waterman offered the following :

WHEREAS, It appears to be a conceded fact that the people of Indiana are more heavily taxed than the people of any of the surrounding States, and it is further conceded that the people of said State of Indiana are taxed higher than they should be, therefore

*Resolved*, That a committee of five be appointed, whose duty it shall be to take into consideration all matters of public business, State, county and township, and inquire whether the public expenses cannot be reduced by simplifying business, &c., and that said committee report from time to time by bill or otherwise.

Which was not agreed to.

On motion by Mr. Shull,

*Resolved*, That the trustees of the Wabash and Erie canal are hereby respectfully requested to furnish to this House at their earliest possible convenience the amount of lands unsold belonging to the canal, and also the amount of lands sold since the transfer of the canal to the bondholders.

Mr. Davisson obtained leave of absence until Tuesday next.

The following resolution offered by Mr. Robinson on Monday last was taken up . .

*Resolved*, That after the adoption of this resolution the orders of the day shall take precedence of resolutions and the introduction of bills, in the order of business.

And was agreed to.

A message from the Governor by Mr. Osbourne, Executive Messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bill :

House bill No. 11. An act to amend the 21st section of an act entitled "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852, so as to allow the commissioners to make a levy of not less than one-tenth of one per cent.

Mr. Stanfield obtained leave and introduced

Joint resolution No. 20. A joint resolution in relation to the next session of the General Assembly of the Presbyterian Church ; Which was read, and

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Brotherton,

Carr, Cavens, Clark, Clayton, Collier, Comstock, Dobbins, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Johnston, Jordan, Kempf, Knowlton, Lawhead, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Ritter, Robinson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Thompson of Madison, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Whiteman, Wildman Wood and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Baird, Jones, Shull and Whetzel—4.

So the joint resolution passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Whiteman,  
The House adjourned until 2 o'clock, P. M.

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2 O'CLOCK, P. M.

The House met.

Mr. Cavins moved to postpone the special order of the day, fixed for this hour, until Tuesday next at 2 o'clock, P. M. ;  
Which was agreed to.

The first thing in order being, the question pending at the adjournment on yesterday on concurring in the report of the committee of the whole,

Mr. Edwards moved that the House consider the recommendations of the committee *seriatim* ;  
Which was agreed to.

The question being on laying House bill No. 22 and pending amendments on the table ?  
It was agreed to.



The question being on laying House bill No. 123 and the petition from the citizens of Vermillion county on the table,

It was agreed to.

Mr. Edwards moved to pass informally over the business before the House for the purpose of enabling him to present a memorial from sundry citizens on the subject of the Wabash and Erie Canal.

The question then being on concurring in the recommendation of the committee of the whole to indefinitely postpone bill No. 65.

Mr. Dobbins moved the previous question,  
Which was seconded by the House.

The question being shall the main question be now put?  
It was so ordered.

Messrs. Dougherty and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Bowman, Carr, Claypool, Clayton, Clements, Comstock, Dobbins, Dougherty, Early, Firestone, Hall of Grant, Hamilton of Boone, Harney, Hartley, Hunter, Johnston, Jordan, Kelly, Kempf, Knowlton, Lawhead, Major, Massey, Nelson, Prosser, Robinson, Rynerson, Shields, Shockley, Smith of Perry, Snyder, Thompson of Madison, Whetzel, Wood and Mr. Speaker—35.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Branham, Brotherton, Collier, Cavins, Clark, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hamilton of Wayne, Hancock, Harrison, Jefferis, Keefer, Lewis, McLain, Mansfield, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Scott, Sherman, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whiteman and Wildman—46.

So the bill was not indefinitely postponed.

The question being on ordering the bill to be engrossed.

Mr. Stanfield moved the previous question.  
Which was seconded by the House.

The question being shall the main question be now put?  
It was so ordered.

Messrs. Dougherty and Firestone demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Blythe, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Early, Fordyce, Gifford, Gregory, Hamilton of Wayne, Hancock, Harrison, Jefferis, Keefer, Lewis, McLain, Mansfield, Merrifield, Nebeker of Vermillion, Nebeker of Warren, Newton, Ritter, Scott, Sherman, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Thompson of Elkhart, Turpie, Waterman, Wheeler and Wildman—37.

*Those who voted in the negative were,*

Messrs. Bowman, Carr, Claypool, Clayton, Clements, Comstock, Cotton, Dobbins, Dougherty, Devol, Edwards, Firestone, Griffin, Hall of Grant, Hamilton of Boone, Harney, Hartley, Hunter, Johnston, Jordan, Kelly, Kempf, Knowlton, Lawhead, Major, Massey, Mellett, Nelson, Parks, Power, Prosser, Robinson, Ryner-son, Shields, Shockley, Smith of Perry, Snyder, Thompson of Madison, Treadway, Usrey, Whetzel, Whiteman, Wood and Mr. Speaker—44.

So the bill was not ordered to be engrossed.

Mr. Edwards obtained leave and presented

A memorial, signed by M. W. Foster as President, and Joseph Ristine Secretary, and adopted by a convention of persons immediately interested in property along the line of the Wabash and Erie Canal, held at Indianapolis, February 1st, 1859, praying for aid from the State to keep up that work.

Which was read by the Clerk.

Mr. Usrey moved to refer the memorial to the committee on benevolent institutions.

Mr. Robinson moved to amend the motion by referring the memorial to the committee of the whole House.

Mr. Hamilton of Boone moved to indefinitely postpone the memorial and the subject matter thereof.

Mr. Collier moved to lay the memorial on the table.  
Which was not agreed to.

Mr. Ritter moved that the House do now adjourn.  
Which was not agreed to.

The question being on the motion to indefinitely postpone the memorial and the subject matter thereof.

Mr. Merrifield moved the previous question.  
Which was seconded by the House.

The question being shall the main question be now put?  
It was so ordered.

Messrs. Hamilton of Boone and Gifford demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Cotton, Dobbins, Dougherty, Devol, Eastham, Early, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, Major, Mansfield, Merrifield, Nelson, Newton, Parrett, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Snyder, Stanley, Sullivan, Thompson of Madison, Treadway, Turpie, Usrey, Whetzel, Wildman, Waterman, Whiteman, Wood and Mr. Speaker—65.

*Those who voted in the negative were*

Messrs. Blythe, Claypool, Comstock, Edwards, Griffin, Johnston, McLain, Massey, Mellett, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Smith of Miami, Stanfield, Thompson of Elkhart and Wheeler—17.

So the motion prevailed.

Mr. Kempf was granted leave of absence until Monday next.

On motion by Mr. Shields,  
The House adjourned until to morrow morning, 9 o'clock.



FRIDAY MORNING, 9 o'clock, }  
February 4, 1859. }

The House met.

The Clerk proceeded to read the Journal,  
When,

On motion by Mr. Keefer,  
The further reading was dispensed with.

Messrs. Stanfield and Nelson obtained leave of absence until Tuesday next, and Mr. Shull until Wednesday next, and Mr. Summers, on account of sickness, until he shall recover.

Mr. Edwards presented the following protest, signed by himself and ten others :

MR. SPEAKER :

The undersigned protests against the action of this House in voting on yesterday to indefinitely postpone the consideration of a memorial adopted at a convention of a portion of the people of the State of Indiana, asking some action to be taken with reference to the protection of their property and interests connected with the Wabash and Erie Canal, and assign further dissent, the following reasons :

*First.* That the question to indefinitely postpone was unparliamentary and improper.

*Second.* That it was a denial of the right of petition in refusing to receive, consider and answer through an appropriate committee or otherwise, what honorable and intelligent citizens had asked, in respectful language, at the hands of this General Assembly, to-wit: The protection of their private property from injury, by reason of the threatened or probable abandonment of the Wabash and Erie Canal.

*Third.* That this House had refused for consideration to be had on 11th inst., as a special order, a certain preamble and resolution, adverse to the interests sought to be protected by the memorialists and refused to them alike respect.

*Fourth.* The memorial was presented on behalf of a convention composed of citizens, as before described, speaking for themselves and for not less than one-third of the population, territory and taxables of the State.

*Fifth.* That the question to indefinitely postpone the memorial,

being unparliamentary and without precedent, when voted upon, was stated over objection made in a form not authorized as follows, viz: "The question is to indefinitely postpone the memorial and the whole subject it refers to."

*Sixth.* That although the members of this House heretofore had very properly and judiciously declared unanimously, "that it would be inexpedient and unwise to take back the Wabash and Erie Canal upon any terms, or to re-assume in any form the debt to satisfy which it was transferred to the bondholders," yet they refused to consider the prayer of tax-payers and citizens, asking humbly and respectfully for legal authority to protect them in their rights and property, when their interests are the most wholesome and necessary for the public good.

*Seventh.* That the questions set forth in the memorial may involve the rights and interests of a sovereign and neighboring State, which undertook, at the request of the General Assembly of this State, and constructed that portion of the Wabash and Erie Canal lying and being within the State of Ohio, and it may thereby be treating with discourtesy and the want of amity, an independent commonwealth, which has always acted with friendly sentiments towards the authority and people of Indiana.

*Eighth.* It is alleged in the memorial that there are citizens of Indiana who hold leases of water power from the State, dated long before the canal passed into the hands of the trustees, and it is a legal question of much importance as they ask to be protected, to determine what their rights and interests are, what the duty and liability of the State is, and after that consideration to act deliberately in the honorable discharge of legislative duty without sensitive fear, particularly when this House was in advance pledged against any act by which the canal should be taken back, or the debt for which it was surrendered re-assumed.

Beleiving that it was the duty of this House to have treated the memorial with proper respect, to have refused in a courteous and parliamentary manner any prayer it might contain, which in the calm judgment of Representatives should be inconsistent with public policy, the undersigned will ever protest:

WM. K. EDWARDS,  
JAMES BLYTHE,  
WILLIAM SMITH,  
JOHN COMSTOCK,  
AQUILA NEBEKER,  
GEORGE W. MASSEY,  
S. WHEELER,  
NELSON McLAIN,  
H. R. CLAYPOOL,  
S. H. JOHNSTON,  
R. A. CLEMENTS, jr.

Messrs. Parrett, Austin, Keefer, Bowman, Shull, Eastham, Waterman, Firestone, Prosser, Wildman, Colgrove, Boyd and Major were granted leave to record their names as of yesterday, in favor of the indefinite postponement of the memorial praying for aid from the State to keep up the Wabash and Erie Canal.

Messrs Mellett and Stanfield were granted leave to record their names as of yesterday, against the motion to indefinitely postpone said memorial; also Mr. Power had leave to change his vote from the affirmative to the negative on the same vote as of yesterday.

Mr. Jordan moved to reconsider the vote taken on yesterday, on the indefinite postponement of the memorial in reference to the Wabash and Erie Canal.

Mr. Robinson moved to lay the motion to reconsider on the table.

Messrs. Gifford and Jordan demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Cotton, Dobbins, Dougherty, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jefferis, Jones, Keefer, Kelly, Lewis, Major, Mansfield, Martin, Nelson, Newton, Parrett, Prosser, Ritter, Robinson, Rynerson, Sherman, Shields, Shockley, Shull, Snyder, Stanley, Sullivan, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Claypool, Clements, Collier, Comstock, Edwards, Griffin, Johnston, Knowlton, Lawhead, McLain, Massey, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Scott, Smith of Miami, Stanfield, Thompson of Elkhart and Wheeler—24.

Messrs. Branham and Stiles were in their seats and refusing to vote.

Mr. Davis was excused from voting.

So the motion prevailed.

H. J—24.



## REPORTS FROM STANDING COMMITTEES.

Mr. Mellett, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 88, a bill to amend section 531 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage ;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Parrett, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 62, entitled a bill to amend section 3 of an act entitled "an act to provide for the election, and prescribing certain duties of recorders," approved May 31, 1852, have had the same under consideration, and direct me to report the same back to this House and recommend its indefinite postponement ;

The report was concurred in, and the bill indefinitely postponed.

Mr. Stiles, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 109, entitled a bill to provide for and secure the rights of married women in real estate, have had the same under consideration, and instruct me to report the same back to this House and recommend its indefinite postponement :

The report was concurred in, and the bill indefinitely postponed.

Mr. Stiles, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No.

84, entitled a bill to amend sections two and thirteen of "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, have had the same under consideration, and instruct me to report the same back to this House and recommend that in as much as the House has already heard and concurred in a report from the committee on the organization of courts, on the same subject, that the further consideration of the bill be indefinitely postponed;

The report was concurred in, and the bill indefinitely postponed.

Mr. Stiles, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 99, entitled "a bill to authorize the publication of certain decisions of the Supreme Court, and the purchase of six hundred copies thereof, by the State," have had the same under consideration and instruct me to report back to this House, that in the opinion of this committee, legislation on the subject is inexpedient.

The report was concurred in.

Mr. Mellett, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 102, entitled "a bill authorizing all persons to travel on plank, macadamized and gravel roads free from toll, in going to, and returning from church or public worship on the Sabbath day," have had the same under consideration and instruct me to report the same back to this House, recommending its indefinite postponement.

The report was not concurred in.

The bill was then ordered to be engrossed.

Mr. Mellett, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 94, entitled a bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852, have had the same under consideration and direct me to re-

port back to this House, that in the opinion of your committee, legislation on the subject is unnecessary.

The report was not concurred in.

Mr. Baird moved to recommit the bill to a select committee of five;

Which was not agreed to.

The bill was then ordered to be engrossed.

Mr. Parrett, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred joint resolution of the House No. 15; "a joint resolution proposing to amend the constitution of the State of Indiana, so as to allow two county offices to be held by one person," have had the same under consideration and instruct me to report the same back to this House and recommend that it be laid upon the table.

The report was concurred in and the joint resolution was laid on the table.

Mr. Nebeker of Warren, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of this State, to whom was referred House bill No. 64, entitled "an act to prevent the killing or destruction of wild game, within the periods therein described, penalties for violation thereof, and repealing all laws in conflict therewith," have had the same under consideration and have directed me to report the same back with the following amendments, and when so amended, recommend its passage, to-wit:

Strike out of the first section the word "January" and insert "February."

Strike out of the second section the word "March" and insert "April."

Strike out of the fourth section the word "January" and insert "March," and strike out all of section six.

Which was concurred in.

Mr. Turpie moved to recommit the bill to the committee on the judiciary.

Which was agreed to.



Mr. Griffin, from the committee on rights and privileges of the inhabitants of the State, made the following report.

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, have had House bill No. 124, entitled 'an act to prohibit the throwing of any dead animal or carrion into the running streams of this State, and prescribing the penalty therefor,' under consideration, and recommend the following amendment, and after it is so amended, have instructed me to report the same back and recommend its passage:

Amend section first so as to read "that any person who shall throw or deposit any dead animal or carrion, in any running stream of water or any lake within this State, or bury or deposit any dead animal or carrion on the banks of any running stream or lake of water within this State, so that the water may become vitiated thereby, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than five dollars nor more than twenty dollars.

The report was concurred in and the amendments adopted.

The bill was then ordered to be engrossed.

Mr. Comstock, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred House bill No. 49, have had the same under consideration and instructed me to report the same back and recommend its passage.

Which was concurred in.

No. 49. A bill to authorize the board of commissioners of the several counties through which the Michigan road runs, to reduce the same,"

Was ordered to be engrossed.

Mr. Comstock, from the same committee, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred bill No. 77, "a bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and to repeal all laws conflicting therewith," have had the same under consideration and have directed me to report the same back to the House with

the following amendments, and when so amended recommend its passage :

Amend section six by striking out the word "log-chain," wherever it occurs, and insert the word "or" immediately before the word "wagon."

Amend section nineteen by striking out "fifteen" and insert "not less than five nor more than twenty," and by adding the following provision :

*Provided, however,* That the tax so assessed on real estate may be worked out in that district in which such real estate lies, and the tax assessed on personal property in the district where the owner thereof resides, at the rate of seventy-five cents per day. The supervisor shall obtain a list of all road tax assessed on each individual ; and his certificate for the amount not worked out shall be taken by the treasurer of the county in payment of said tax. And I am further instructed to report back the various amendments referred to said committee in regard to the change of the supervisors act, and recommend that they be laid on the table.

Which was concurred in and bill No. 77 ordered to be engrossed.

Mr. Massey moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

The bill was then read a third time.

Mr. Johnston, by unanimous consent, offered the following amendment :

Amend by striking out "one dollar and twenty-five cents," and inserting "one dollar."

Which was agreed to.

Mr. Dougherty moved that the bill and amendments be laid upon the table.

Which motion prevailed.

Mr. Early, from the committee on corporations, made the following report :

MR. SPEAKER ;

The committee on corporations to whom was referred House bill No. 72, a bill to amend sections one and two of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State, approved March 1st, 1853, and to provide for the manner of the service of process," have had the same under considera-

tion and have directed me to report the same back to the House with the following amendment, and when so amended they recommend its passage:

Strike out the words "and shall not exceed one hundred dollars," in the twenty-first and twenty-second lines of section one.

The report was concurred in and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Boxley, from the committee on agriculture, obtained leave and made the following report:

MR. SPEAKER:

The committee on agriculture to whom was referred a petition in regard to certain stock running at large, and asking legislation in regard thereto, have had the same under consideration and direct me to report the following bill and ask its passage:

No. 198. A bill to prohibit the owners or those who have the management or control of certain stock, from allowing the same to run at large, and prescribing penalties therefor.

Was read a first time and passed to a second reading.

Mr. Harrison, from the committee on county and township business, obtained leave and made the following majority report:

MR. SPEAKER:

The committee on county and township business to whom was referred House bill No. 87, an act to amend sections No. 5, 6, 11 and 18, and to repeal section 8 of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852, have had the same under consideration, and a majority of the committee direct me to report the same back and recommend that all after the enacting clause be stricken out and the following be substituted as an amendment thereto, and when so amended recommend its passage:

That the county commissioners in each county may divide the same into any number of townships that the convenience of its citizens may require, and may at any time make such changes in the number and boundaries of such townships as they may deem proper.

The description of such township and all changes thereof, shall be entered at full length in the records of such board, provided that the townships now established shall remain as they are, subject to the alteration of sub-division as provided by this act.

SEC. 2. The name of each township shall be designated by the board of commissioners, and each township that now is, or may



hereafter be organized, is hereby declared a body politic and corporate by the name of \_\_\_\_\_ township of \_\_\_\_\_ county, and by such name, may contract and be contracted with, sue and be sued in any court having competent jurisdiction.

SEC. 3. The qualified voters in each township shall, on the first Monday of April annually, at the usual place of holding elections in each township, elect one township trustee who shall hold his office for one year, and until his successor is elected and qualified, but before entering upon the duties of his office such trustee shall execute a bond, payable to the State of Indiana, in the penal sum of three hundred dollars with security, to be approved by the clerk of the circuit court, conditioned for the faithful discharge of the duties of said office, and shall also be qualified by the usual oath or affirmation.

SEC. 4. Any vacancy arising in the office of township trustee shall be filled by the county commissioners.

SEC. 5. The township trustee shall act as inspector of elections at one of the precincts in his township, and shall designate the place of holding elections, shall be overseer of the poor, fence viewer and clerk of his township, and shall have charge and management of property belonging to his township.

SEC. 6. Such trustee shall have the supervision of the schools in his township, under the regulations prescribed by law, and shall perform the duties now required of the board of township trustees, not inconsistent with the provisions of this act, under the law providing for a system of common schools.

SEC. 7. Such trustee shall have the care and supervision of highways and bridges in his township. He shall divide his township into convenient highway districts, from time to time as he may deem proper, shall fill all vacancies that occur in the office of supervisor of highways, and shall perform such duties as are now required by law, of the board of township trustees, under an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved June, 1852; such trustee shall receive from each supervisor in his township all commutation moneys, and shall perform all other duties that are now required by law of the township treasurer and clerk, except as otherwise provided in this act, and shall require of each supervisor to take an oath to faithfully discharge the duties so entrusted to him.

SEC. 8. Such trustee shall keep a detailed record of all his official proceedings in a book provided for that purpose, which record shall be signed by him, and dated at the proper date of entry.

SEC. 9. Such trustee shall be allowed one dollar and twenty-five cents per day for the time he is actually engaged in the performing of his duties, which sum shall be allowed by the board of county commissioners, upon a written statement subscribed and sworn to by such trustee.

SEC. 10. The county treasurer shall receive and hold all moneys, and shall pay the same out only upon an order from the township trustee; such order shall distinctly specify for what purpose, and for whose use such money is drawn. And the township trustee shall keep a record of all such orders, showing the dates on which they were drawn.

SEC. 11. The trustee shall annually in the month of February settle with each of the supervisors of roads of his township, and shall at the annual March term of the board of county commissioners, make a full report of his official acts as trustee for the preceding year.

SEC. 12. The county treasurer shall be the treasurer of each of the several townships within his county.

SEC. 13. It shall be the duty of the township treasurers now in office to pay to the county treasurer all sums of money belonging to his township except commutation moneys which he shall pay over to the township trustee as provided in this act; and it shall be the duty of the township clerk to deliver to the said township trustee all the books and records belonging to his township in his hands and it shall be the duty of the township trustees to deliver all property now in their hands, belonging to their several townships, to the trustees of their several townships.

SEC. 14. The township trustee of the several townships of this State shall have power to administer oaths in all cases pertaining to the duties of his office.

SEC. 15. All laws and parts of laws coming in conflict with the provisions of this act shall be and the same are hereby repealed.

SEC. 16. Inasmuch as it is important that a change shall be made in the existing laws, it is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage and publication in the Indiana State Sentinel and the Indiana State Journal.

The report was concurred in.

Mr Keefer moved that the bill be laid on the table and two hundred copies printed for the use of the House.

Which was agreed to.

Mr. Stiles, having obtained consent, submitted to the House the following proposed new standing rule thereof:

RULE.—Any member may make a brief verbal explanation of his vote upon any question before the House, but shall not occupy more than ten minutes in such explanation.

Which was read and laid over, under the rules, till to-morrow.

Mr. Power obtained leave and introduced

House bill No. 199. A bill to create the fourteenth judicial circuit, and to fix the time of holding courts therein.

Which was read a first time and passed to a second reading.

Mr. Keefer obtained leave and introduced

House bill No. 200. A bill for the punishment of officers, agents, clerks, servants or carriers for embezzeling, using or secreting money, goods, evidence of debt or other valuable property.

Which was read a first time and passed to a second reading.

Mr. Usrey obtained leave and introduced

House bill No. 201. A bill to amend the seventy-eighth section of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved January 7th, 1852.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Third Reading.*

No. 20. A bill to prevent carrying concealed weapons, and to provide punishment therefor.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Comstock, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Harney, Harrison, Hunter, Johnston, Jones, Jordan, Keefer, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Ryerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanley, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Whetzel, Wildman and Mr. Speaker—71.



*Those who voted in the negative were,*

Messrs. Boxley and Prosser—2.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

House bill No. 3. A bill to amend section 302 of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize co-plaintiffs and co-defendants to testify in certain cases, and also to allow defendants to certify in certain actions brought by assignees when the assignee testifies.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Clayton, Colgrove, Comstock, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Lawhead, Lewis, McLain, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Ryner-son, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Whetzel, Whiteman, Wood and Mr. Speaker—69.

No vote in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Griffin, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House engrossed bill No. 168, and find the same correctly engrossed.

On motion by Mr. Scott,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

Mr. Sullivan moved to reconsider the vote on ordering House bill No. 87 to be laid on the table and printed,

Messrs. Keefer and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Blythe, Boyd, Clark, Clayton, Dobbins, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Griffin, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Johnston, Jones, Jefferis, Lawhead, Lewis, Major, Mansfield, Massey, McLain, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Ritter, Ryner, Sherman, Smith of Miami, Stanley, Sullivan, Treadway, Usrey, Whetzel, Whiteman, Wood and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Austin, Brotherton, Carr, Cavins, Claypool, Clements, Comstock, Cotton, Davis, Dougherty, Firestone, Keefer, Martin, Prosser, Scott, Shields, Shockley, Snyder, Turpie and Wildman—20.

Mr. Collier was excused from voting.

So the motion to reconsider prevailed.

Mr. Sullivan moved to refer to a select committee of five ;  
Which was agreed to.

The Speaker appointed Messrs. Sullivan, Johnson, Blythe, Mellett and Harrison said committee.

#### ORDERS OF THE DAY.

*House bills on third reading.*

No. 19. A bill prohibiting any officer or officers, clerk, deputy, employee or agent, of any officer or officers, having charge or under their control in any manner any of the public funds of the State, or any county or township of this State, from making any

false or fraudulent entry, concerning the same, knowingly, or from embezzling any part thereof, and declaring the same a felony, and providing a penalty therefor.

Was read a third time.

Mr. Mellett moved that the bill be laid on the table ;  
Which was agreed to.

No. 39. A bill to amend the thirty-seventh section of chapter six, second volume, Revised Statutes of 1852, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Was read a third time, and

The question then being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Collier, Comstock, Davis, Devol, Eastham, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hancock, Hunter, Jefferis, Jones, McLain, Massey, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Stiles, Sullivan, Thompson of Elkhart, Treadway, Waterman, Whiteman, Wildman, Wood and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Bowman, Boxley, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Edwards, Firestone, Hamilton of Boone, Harney, Hartley, Johnston, Jordan, Keefer, Kelly, Lawhead, Lewis, Major, Mansfield, Nelson, Prosser, Snyder, Thompson of Madison, Turpie, Usrey and Whetzel—28.

So the bill failed for want of a constitutional majority.

No. 168. A bill to amend the title and first section of an act entitled "an act authorizing railroad, plank road, turnpike road and McAdamized road companies to borrow money, and to secure the repayment thereof by mortgages," approved February 5th, 1852.

Was read a third time.

Mr. Collier, by unanimous consent, moved to amend the bill by striking out that part of the emergency clause, which prescribes the publication of said act ;

Which was agreed to.



The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Boxley, Branham, Carr, Cavins, Clark, Clayton, Clements, Comstock, Dobbins, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jordan, Knowlton, Lewis, McLain, Mansfield, Mellett, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Power, Prosser, Ritter, Sherman, Smith of Miami, Snyder, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs Austin, Blythe, Brotherton, Claypool, Collier, Cotton, Dougherty, Devol, Early, Eastham, Edwards, Fordyce, Hamilton of Boone, Jones, Keefer, Kelly, Major, Massey, Martin, Nelson, Rynerson, Scott, Shields, Shockley, Stiles, Waterman and Wood—27.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 50. A bill to amend the 31st section of "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties;

Was read a third time, and

On motion by Mr. Harney,

Was laid on the table.

No. 57. A bill to amend the 74th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 19, 1852;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Comstock, Cotton, Davis, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Lewis, McLain, Major, Massey, Martin, Nebeker of Vermillion, Nebeker of War-

ren, Nelson, Newton, Parks, Parrett, Power, Ritter, Rynerson, Scott, Sherman, Shockley, Smith of Perry, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Dobbins and Hancock—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Hamilton of Boone, moved that the House do now adjourn. Which was not agreed to.

No. 95. A bill to legalize the location, vacation and changes of public highways within this State;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Brotherton, Carr, Cavins, Clark, Clements, Collier, Constock, Cotton, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hartley, Hunter, Johnston, Jordan, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Power, Prosser, Ritter, Sherman, Shockley, Smith of Miami, Sullivan, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Boyd, Branham, Claypool, Clayton, Fordyce, Hamilton of Boone, Hancock, Jones, Mellett, Martin, Nelson, Rynerson, Smith of Perry, Snyder, Stiles, Treadway and Wood—19.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 59 A bill to extend to borrowers of the sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund and other funds, time of payment of loans, and prescribing the duties of the proper officers in regard thereto;

Was read a third time.

Mr. Harrison moved to re-commit the bill with the following instructions :

To amend the bill so as to simply make the provisions of the bill apply only to loans of five hundred dollars and under ;

Which was agreed to.

No. 79. A bill requiring the county from which a change of venue in criminal cases has been taken, to pay the expenses of such trial to the county in which such trial has been had ;

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boxley, Brotherton, Carr, Cavins, Clark, Collier, Comstock, Cotton, Davis, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Griffin, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Lawhead, Lewis, Major, Massey, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Rynerson, Scott, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wood and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Branham, Clayton, Clements, Knowlton, McLain and Mansfield—8.

So the bill passed.

*Ordered* that the Clerk inform the Senate thereof.

No. 52. A bill to provide for the election and qualification of assessors, and prescribing a part of their duties ;

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Clayton, Clements, Collier, Dobbins, Dougherty, Devol, Hamilton of Boone, Hartley, Keefer, Kelly, Knowlton, Merrifield, Nebeker of Warren, Nelson, Parks, Parrett, Prosser, Rynerson, Shields, Shockley, Smith of Perry, Stanley, Sullivan, Thompson of Madison, Waterman and Mr. Speaker—32.



*Those who voted in the negative were,*

Messrs. Austin, Boxley, Cavins, Claypool, Comstock, Cotton, Davis, Early, Edwards, Firestone, Fordyce, Gifford Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hunter, Jefferis, Johnston, Jones, Lawhead, Lewis, McLain, Major, Massey, Mellett, Martin, Nebeker of Vermillion, Newton, Power, Scott, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Turpie, Usrey, Whetzel, Whiteman and Wood—38.

So the bill did not pass.

No. 16. A bill to amend the 32d section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852, approved March 7, 1857;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Jefferis, Jones, Jordan, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Warren, Nebeker of Vermillion, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whiteman, Wood and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Hancock and Johnston—2.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 144. A bill to amend sections eight and nine of H. J.—25

an act entitled "an act creating the 12th and 13th judicial circuits and providing for the election of judges thereof," approved February 9, 1855;

In which the concurrence of the House is respectfully requested.

Senate bill No. 144, referred to in the foregoing message, was read a first time.

Mr. Mellett moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davis, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Robinson, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Snyder, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Hancock, Jordan and Prosser—3.

So the rule was suspended and the bill read a second time by its title.

Mr. Mellett moved to refer to a select committee of three;  
Which was agreed to.

The Speaker appointed Messrs. Mellett, Jefferis and Colgrove said committee.

Mr. Power moved to suspend the rule and read House bill No. 199, "a bill to create the fourteenth judicial circuit and to fix the time of holding courts therein," a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Comstock, Cotton, Davis, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jeffries, Johnston, Jones, Jordan, Kelly, Knowlton, Lewis, McLain, Major, Mansfield, Massey, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Robinson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stiles, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Boyd and Clark—2.

So the rule was suspended and the bill read a second time by its title.

Mr. Edwards moved that the bill be referred to a select committee of the members from the proposed judicial circuit.

Which was agreed to.

Messrs. Power, Stanley, Murray, Thompson, Waterman, Wildman, Clark and Davisson were appointed said committee.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has passed the following bills, viz :

Senate bill No. 84. A bill fixing the time of holding courts of common pleas in the county of Huntington, and prescribing the length of the terms, and providing for the return of process heretofore issued or that may hereafter issue, also

Senate bill No. 131. A bill to amend the 207 and 218 sections of an act entitled " an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, so as to authorize a change of venue in certain cases.

In which the concurrence of the House is respectfully requested.



Senate bill No. 84, referred to in the foregoing message, was read a first time.

Mr. Firestone moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Comstock, Cotton, Davis, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Johnston, Jones, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parrett, Power, Robinson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—69.

No one voting in the negative.

So the rule was suspended, and bill No. 84 was read a second time by its title and ordered to a third reading.

Senate bill No. 131, contained in the foregoing message, was read a first time and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

No. 169. A bill for the relief of the heirs-at-law of John Coran, deceased, and to vest in them certain real estate which has escheated to the State.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 130. A bill to authorize the board of commissioners in the several counties in this State to abolish all road districts and parts of road districts within the limits of incorporated towns in their respective counties, and to place the road work and road tax under the control of the council of such towns.

Was read a second time, and,

On motion,

Referred to the committee on roads.

No. 197. A bill to amend the first section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18th, 1852.

Was read a second time and

On motion by Mr. Comstock,

The bill was laid on the table.

Mr. Dougherty moved that the House do now adjourn.

Which was not agreed to.

No. 142. An act to authorize the boards of county commissioners of the several counties of this State to make such an allowance out of the county treasury of their respective counties as will indemnify the owners of property for losses sustained by the taking, carrying away or destruction of such property by any officer under or by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the case therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16th, 1855, and recompense the officers named in said act who in good faith have executed the provisions thereof, and been subjected to loss thereby.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 135. A bill dispensing with the giving of a bond by an executor or executrix, as a condition to the grant of letters testamentary, where the testator shall have declared in any last will or codicil, that the person appointed by such will or codicil, might execute the same without giving such bond.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 136. A bill for the protection of the sidewalks in towns and villages, and for the preservation of shade trees planted along the same.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of this State.

No. 137. A bill to amend the twenty-fourth section of an act entitled "an act concerning real property and the alienation thereof," approved May 6th, 1852, and adding an additional section le-

galizing conveyances heretofore made by married women under the age of twenty-one years.

Was read a second time and

On motion,

Referred to the committee on the judiciary.

No. 138. A bill declaratory of the meaning of the first section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate and contest thereof," approved May 31st, 1852, and to legalize all wills made by married women in pursuance of said act since the taking effect thereof.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Scott moved that the House do now adjourn;

Which was not agreed to.

No. 148. A bill to amend sections eighteen and nineteen of an act entitled "an act prescribing the powers and duties of Justices of the peace in State prosecutions," approved May 29th, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 152. A bill to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for the admissibility in evidence of the same or copies thereof.

Was read a second time, and

On motion,

Was referred to the committee on the judiciary.

No. 140. A bill to amend part of section two, and to amend section four of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matter as properly pertains thereto, and to repeal all laws coming in conflict with the provisions of this act.

Was read a second time, and

On motion,

Referred to the committee on corporations.

No. 154. A bill fixing the time of holding the circuit courts in the Third Judicial Circuit.

Was read a second time, and

On motion by Mr. Jones,

Referred to a select committee of eleven, being composed of one member from each county in the third judicial circuit.



The Speaker appointed Messrs. Smith of Perry, Jones, Parrett, Kempf, Blythe, Dobbins, Eastham, Wood, Nelson, Massey and Clements said committee.

No. 139. A bill to amend the twenty-ninth section of the fifth article of chapter first, part third, of the revised statutes of 1852.  
 Was read a second time, and  
 On motion,  
 Was referred to the committee on the judiciary.

No. 141. A bill to authorize the formation of limited partnerships, and fixing the liabilities of the several partners and prescribing the proceedings against them.  
 Was read a second time, and  
 On motion,  
 Referred to the committee on the judiciary.

No. 143. A bill to legalize the appraisement and assessment of property in the cities of this State, and the making out and delivery of the tax duplicates in the cities of this State, incorporated under the act of 1857.  
 Was read a second time.

Mr. Hamilton of Boone, moved to refer the bill to a select committee of five;  
 Which was agreed to.

Mr. Prosser moved to instruct the committee to strike out that part of the emergency clause that refers to the publication of the bill in the Indiana Journal and Sentinel;  
 Which was agreed to.

The Speaker appointed Messrs. Hamilton of Boone, Prosser, Harrison, Boyd and Snyder, said committee.

No. 144. A bill to authorize railroad companies to issue bonds, fix the rate of interest thereon, to sell or exchange the same, and to secure the payment thereof, and to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchaser or purchasers; to provide for a new stock, the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities.  
 Was read a second time, and  
 On motion,  
 Referred to the committee on corporations.

Messrs. Boyd and Clements were granted leave of absence until Tuesday, and Mr. Fordyce till Monday next.

On motion by Mr. Griffin,  
The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }  
February 5, 1859. }

The House met.

On motion by Mr. Cavins,  
The reading of the journal was dispensed with.

Mr. Scott was granted leave of absence until Tuesday next, 12 M.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 149. A bill amendatory of an "act concerning the partition of lands," approved May 20th, 1852, to amend sections eleven and eighteen thereof.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 150. A bill to amend sections 44, 152, 173, 199, 322 and 638 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852, requiring an answer to be sworn to before a judgment on a default against a non-resident shall be set aside; authorizing property, taken on attachment, to be sold in certain case; judges in vacation to appoint receivers, and providing for the faithful discharge of their duties; to modify, dissolve or reinstate orders

of injunction granted in vacation; provisions in relation to the continuance of causes and the sale of property on the foreclosure of mortgages.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 153. A bill to amend the thirty-fourth section of the forty-eighth chapter of volume one of the revised statutes of 1852, entitled "an act to provide for the opening, vacating and changing of public highways," approved June 17th, 1852, and establishing the width of township highways.

Was read a second time, and

On motion,

Referred to the committee on roads.

No. 155. A bill providing for the taxation and collection of docket fees in all civil actions either in the circuit or common pleas courts.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 151. A bill to repeal the fifteenth section of an act entitled "an act concerning promissory notes and bills of exchange."

Was read a second time, and

On motion by Mr. Whiteman,

Was referred to a select committee of five.

The Speaker appointed Messrs. Whiteman, Davis, Martin, Blythe and Scott said committee.

Mr. Sullivan was granted leave of absence until Tuesday morning.

No. 157. A bill securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings and the earnings of their minor children in certain cases.

Was read a second time, and

On motion,

Was referred to the committee on the judiciary.

No. 159. A bill to regulate the descent of the wife's personal property on her death.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.



No. 160. A bill to amend the first section of an act entitled "an act providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished," approved February 12th, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 156. A bill authorizing appeals from circuit courts to the Supreme court in contested election cases.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 161. A bill to repeal an act entitled "an act providing for the colonization of negroes and mulattoes and their descendants, and appropriating \$5,000 therefor, constituting a State Board of Colonization, declaring the duties of said Board, and of State Treasurer and county treasurer in relation thereto," approved April 28th, 1852.

Was read a second time.

Mr. Gifford moved to refer the bill to the committee on the judiciary;

Which was not agreed to.

Mr. Parks moved to refer the bill to the select committee to which was referred a petition on the same subject;

Which was agreed to.

No. 162. A bill to amend section four of an act entitled "an act to provide for the election and certain of the duties of the prosecuting and district attorneys."

Was read a second time, and

On motion,

Referred to the committee on fees and salaries.

No. 163. A bill to regulate the collection of judgments and the sale of property on execution against sheriffs, constables or other public officer, administrator, guardian, executor or any other person or corporation receiving or holding money in a fiduciary capacity, or the sureties of any or either of them.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 164. A bill to repeal the 36th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to repeal all laws coming in conflict with this act.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 165. A bill to amend the eighteenth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 166. A bill to authorize parties to civil actions to be sworn and to testify as witnesses therein ;

Which was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 167. A bill to provide for the fees of sheriffs in conveying convicts to the State's prison, and providing punishment for violations thereof, and to repeal all laws in conflict therewith ;

Which was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 171. A bill declaring it to be a misdemeanor for the clerks of the circuit and common pleas courts to refuse to issue summons and other writs in certain cases, and defining the penalty therefor.

Which was read a second time, and the bill ordered to be engrossed.

No. 172. A bill to repeal an act entitled "an act to provide for the restoration and preservation of the records of the supreme court," approved February 7, 1855 ;

Which was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 173. A bill to amend the eleventh section of an act entitled "an act for the incorporation of manufacturing and mining

companies, and companies for mechanical, chemical and building purposes ;

Which was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 174. A bill to cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years in the State of Indiana, in the year 1859, prescribe the powers and duties of the officers in taking such enumeration, and the manner in which they shall severally exercise the same, and to authorize compensation to be made to such officers for services ;

Which was read a second time, and

On motion,

Referred to the committee on public expenditures.

No. 175. A bill to amend section eleven of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases ;

Which was read a second time, and

On motion,

Referred to the committee on the organization of courts.

No. 188. A bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 3, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act ;

Was read a second time, and

On motion,

Referred to the committee on banks.

No. 176. A bill to amend section 19 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 178. A bill fixing the time of holding courts of common pleas and the length of terms thereof, in the county of Blackford, and repealing all laws in conflict therewith ;

Which was read a second time.



Mr. Brotherton moved to refer the bill to a select committee of three;

Which was agreed to.

Messrs. Brotherton, Shull and Hall of Grant were appointed said committee.

Mr. Stiles from the committee on corporations, obtained leave and made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 144, a bill to authorize railroad companies to issue bonds, and fix the rate of interest thereon; to sell or exchange the same, and to secure the payment thereof, and to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchaser or purchasers, to provide for a new stock, and the appointments of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors and assume a new name, and defining their rights and liabilities," have had the same under consideration, and directed me to report the same back to the House, with the recommendation that said bill be referred to the committee on the judiciary.

Which was concurred in.

No. 179. A bill to regulate the sale, vending and giving away of spirituous and intoxicating liquors, defining nuisances and providing punishment for the violation of this act;

Was read a second time, and

On motion,

Was laid on the table.

No. 181. A bill to regulate the retailing of intoxicating liquors and for the suppression of the evils arising therefrom;

Was taken up, and

On motion,

Was laid on the table without reading.

No. 182. A bill to amend section 23 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852;

Was read a second time, and ordered to be engrossed.

No. 183. A bill to authorize county auditors to collect moneys belonging to common school fund by suit or otherwise, and providing compensation for his services, also to provide punishment for a failure to perform any duties required therein ;

Which was read a second time, and

On motion,

Ordered to be engrossed.

No. 184. A bill providing for the compensation of county assessors ;

Was read a second time.

Mr. Davis moved to lay the bill on the table ;

Which was not agreed to.

Mr. Austin moved to refer the bill to the committee on county and township business ;

Which was not agreed to.

Mr. Prosser moved that the bill be laid on the table ;

Which was agreed to.

No. 185. A bill to amend section 4 of an act entitled "an act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855, and to repeal all laws conflicting with the provisions of this act ;

Was read a second time, and

On motion,

Referred to the committee on fees and salaries.

No. 186. A bill to amend section 103 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852 ;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 187. A bill to amend an act approved February 28, 1855, entitled "an act to amend the act entitled an act to authorize the construction of plank, McAdamized and gravel roads and to empower the same to make sale of a portion of their roads," so as to give the right of any corporation that has bought or that may hereafter buy any of the above named roads to do the business of such road in the corporate name of the buyer, and also to amend so as to reduce the tariff of tolls ;

Was read a second time.

Mr. Rynerson moved to refer the bill to the committee on the judiciary.

Mr. Hamilton of Boone moved to amend the motion by referring the bill to the committee on the rights and privileges of the inhabitants of the State;

Which was agreed to.

No. 189. A bill supplemental to an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Colgrove moved to take from the table bill No. 119, on its second reading;

Which was agreed to.

No 119. A bill providing for the distribution of the sinking fund and defining the duties of the officers therein named, and setting apart and dedicating the same to common school purposes, providing the manner in which the same shall be managed, and providing for the distribution of the interest arising from said fund prior to the distribution of the same.

Which was read a second time.

Mr. Colgrove moved to refer the bill to a committee of one from each congressional district;

Which was agreed to.

The Speaker appointed as said committee Mr. Colgrove from the fifth district, Mr. Jones from the first, Mr. Davis from the second, Mr. Early from the third, Mr. Hartly from the fourth, Mr. Ritter from the sixth, Mr. Baird from the seventh, Mr. Miller from the eighth, Mr. Merrifield from the ninth, Mr. Stanfield from the tenth, and Mr. Harrison from the eleventh.

No. 190. A bill to amend sections 11 and 12 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14, 1852;

Was read a second time, and

On motion by Mr. Griffin,

Referred to a select committee of five.

The Speaker appointed Messrs. Griffin, Turpie, Blythe, Colgrove and Harrison said committee.



Mr. Jones, by unanimous consent, introduced the following resolution :

*Resolved*, That after the fifteenth day of the present month no member of this House shall be allowed leave of absence longer than one day at one time, except in case of death or sickness, until the close of this session, unless by the consent of the whole House.

Which was laid over under the rules.

Mr. Gordon moved to rescind the rule by which the House resolved to adjourn from each Saturday at 11 o'clock, A. M., till the following Monday at 2 o'clock, P. M.

Which, being a motion to change the rules of the House,  
Was laid over until to-morrow.

No. 191. A bill to authorize jurors to be summoned from an adjoining county to try criminal causes in certain cases, and providing compensation for their services ;

Which was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 198. A bill to prohibit the owners, or those who have the management or control of certain stock, from allowing the same to run at large, and prescribing penalties therefor.

Was read a second time, and

On motion,

Referred to the committee on rights and privileges.

No. 200, A bill for the punishment of officers, agents, clerks, servants, or carriers for embezzling, using, or secreting money, goods, evidence of debt, or other valuable property.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Harney, by unanimous consent of the House, introduced

House bill No. 202. A bill granting the use of part of square No. 25, in the city of Indianapolis, to the North Western Christian University, and authorizing the said University to increase its capital stock.

Which was read a first time and passed to a second reading.

Mr. Griffin, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House engrossed bills Nos. 36, 82, 85, 101, 103 and 133, and find the same to be correctly engrossed.

The hour having arrived,

The Speaker announced the House adjourned till Monday at 2 o'clock, P. M.

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MONDAY, 2 o'clock, P. M. }  
February 7, 1859. }

The House met.

On motion by Mr. Prosser,  
The reading of the journal was dispensed with.

Mr. Merrifield moved to suspend the order of business, and take up House bill No. 36, on its third reading;  
Which was agreed to.

No. 36. A bill to amend the second section of an act, entitled "an act to fix the time of holding the circuit courts in the ninth judicial circuit," approved March 1st, 1855;

The bill was read a third time.

Mr. Merrifield moved a call of the House;  
Which was ordered.

The clerk proceeded with the call, when the following members answered to their names :

Messrs. Austin, Baird, Black, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Davis, Dobbins, Durham, Devol, Early, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Martin, Newton, Parks, Parrett,

Prosser, Ritter, Robinson, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Stanley, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, White-man, Wildman, Wood and Mr. Speaker—69.

On motion by Mr. Merrifield,  
The further call of the House was suspended.

The question being, shall House bill No. 36 pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Boxley, Branham, Brother-ton, Carr, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Davis, Dobbins, Durham, Devol, Early, Edwards, Firestone, Gif-ford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Ma-jor, Mansfield, Massey, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Prosser, Ritter, Rob-inson, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stiles, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, White-man, Wildman, Wood and Mr. Speaker—73.

No one voting in the negative.

So the bill passed,

Mr. Merrifield moved to amend the title as follows, to-wit:  
“An act to fix the time of holding the circuit courts in the ninth judicial circuit.”

Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Firestone moved to suspend the order of business and take up Senate bill No. 84, on its third reading,

Which was agreed to.

No. 84. A bill fixing the time of holding courts of common pleas in the county of Huntington, and prescribing the length of the terms and providing for the return of process heretofore issued or that may hereafter issue;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Boxley, Branham, Broth-



erton, Carr, Cavens, Clark, Claypool, Colgrove, Collier, Comstock, Davis, Dobbins, Durham, Devol, Early, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stiles, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, White-man, Wildman, Wood and Mr. Speaker—73.

No one voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Hall of Grant,

A petition from the county officers and others, of the county of Grant, on the subject of holding circuit court in said county.

Which was,

On motion,

Referred to the committee on the organization of courts of justice.

The Speaker laid before the House a petition from sundry citizens of Marion county, on the subject of companies for the arrest of horse thieves, praying against the repeal of the present law.

Which was,

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

The Speaker laid before the House a petition from sundry citizens of Marion county, on the subject of building an Indianapolis University.

Which was,

On motion,

Referred to the committee on the judiciary.

Mr. Keefer moved to take from the table House bill No. 108 on its second reading.

Which was agreed to.

No. 108. A bill for the protection of wild cranberries growing on the public, State and non-resident lands in this State, and providing penalties for the violation of this act.

Was taken from the table, and

On motion by Mr. Keefer,

Referred to a select committee of five.

The Speaker appointed Messrs. Keefer, Stanley, Griffin, Hamilton of Boone and Parks, said committee.

Mr. Colgrove moved to supend the order of business and take up message from the Senate, containing House bill No. 12;

Which was not agreed to.

Mr. Prosser obtained leave and introduced the following bill:

No. 203. A bill to amend the one hundred and third section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

Which was read a first time and passed to a second reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Turpie, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The undersigned committee to whom was referred House bill No. 135, relative to granting letters to an executor or executrix without filing a bond when such is the will of the testator, have had the same under consideration, and have directed me to report thereto the following amendment:

Add after "notwithstanding" in section — of said act the following: "*Provided*, That any person interested in said State may, at any time, by filing an objection in writing with the clerk or court granting, or about to grant said letters, to such granting without bond or security, require said executor or executrix to give bond as in other cases, and therefore no letters shall issue unless said bond be given, and if the same be issued already they shall thereby forth with be vacated and set aside, and letters testamentary or of administration with the will annexed, shall be issued as in other cases," and when so amended the committee respectfully recommend its passage;

Which report was concurred in, and the amendment adopted, and the bill ordered to be engrossed.

Mr. Davis, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 139, entitled "an act to amend the 29th section of the fifth article of chapter first, part third of the Revised Statutes of 1852," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Baird, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 164, entitled a bill to amend the 364th section of an act entitled "an act to revise simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," and to repeal all laws coming in conflict with this act, have had the same under consideration, and instruct me to report the same back to this House and recommend that it be laid upon the table;

The report was concurred in, and the bill laid on the table.

Mr. Turpie, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 148, entitled a bill to amend sections 18 and 19 of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852 have had the same under consideration, and instruct me to report to this House, that in the opinion of your committee, legislation on the subject is inexpedient;

The report was concurred in, and

On motion by Mr. Griffin,

The bill was laid on the table.

Mr. Colgrove, from the same committee, made the following report:



MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 176, entitled an act to amend section 19 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and instruct me to report the same back to this House and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Davis, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 149, a bill amendatory of "an act concerning the partition of lands," approved May 20, 1852, to amend sections 11 and 18 thereby, have had the same under consideration, and instruct me to report the same back to this House and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Blythe, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 142, entitled a bill to authorize the board of county commissioners in the several counties of this State to make such an allowance out of the county treasury of their respective counties as will indemnify the owners of property from loss sustained by the taking, carrying away or destruction of such property by any officer under the virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 14, 1855, and to reimburse the officers named in said act, who in good faith have executed the provisions thereof, and been subject to loss thereby, have had the same under consideration, and instruct me to report the same back to this House and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Turpie, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No. 30, entitled a bill to provide for the transferring of the certificates of stock of the State of Indiana, providing for the registry of the same, and to prevent a fraudulent issue thereof, and providing a punishment for the violation of the provisions of this act, together with an amendment entitled a bill to provide additional rules for the transfer of the certificates of stock of the State of Indiana, have had the same under consideration, and direct me to report the same back to this House, amending Senate bill No. 30, by striking out all of the 4th section after the word "Indiana," in the fifth line of said section, and recommend that the bill so amended pass; I am further directed by the committee to report the amendment back and recommend that it lay upon the table;

The report was concurred in.

Senate bill No. 30, as amended, was then ordered to a third reading.

Mr. Davis, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 137, entitled a bill to amend the 24th section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852, and adding an additional section legalizing conveyances heretofore made by married women under the age of twenty-one years, have had the same under consideration, and instruct me to report the same back to this House and recommend its indefinite postponement;

The report was concurred in, and the bill indefinitely postponed.

Mr. Baird, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 186, entitled "a bill to amend section 103, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal cases in the courts of this State," approved June 17, 1852," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

Which was concurred in.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 167, entitled "a bill to provide for the fees of sheriffs in conveying convicts to the State's prison, and providing punishment for violations hereof, and to repeal all laws in conflict herewith," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

Which was not concurred in.

Bill No. 167 was ordered to be engrossed.

Mr. Turpie, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 169, entitled "a bill for the relief of the heirs-at-law of John Coran, deceased, and to vest in them certain real estate which has escheated to the State of Indiana," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

Which was concurred in.

No. 169 was ordered to be engrossed.

Mr. Colgrove, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 173, entitled an act to amend the eleventh section of "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage;

Which was concurred in, and

No. 173 ordered to be engrossed.

Mr. Colgrove, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 156, entitled "an act authorizing appeals from the circuit courts to



the Supreme court, in contested election cases," have had the same under consideration, and direct me to report the same back to this House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Colgrove, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 138, entitled a bill declaring the meaning of the first section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852, and to legalize all wills made by married women, in pursuance of said act, since the taking effect thereof," have had the same under consideration and have directed me to report the same back with the following amendments, and when so amended, recommend its passage, to-wit:

Strike out section three and insert the following.

Section 3. Whereas it is deemed that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage;

Which was concurred in, and the bill ordered to be engrossed.

Mr. Parrett, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 93, entitled a bill to amend the sixth section and the third clause of the seventh section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852, have had the same under consideration, and instruct me to report the same back to this House with the following amendments, and when so amended, recommend its passage:

Strike out the word "county," in the twenty-second line of the first section, and in lieu thereof, insert the word "State."

Strike out the whole of the twenty-third line.

After the word "same" in the twenty-fifth line, insert the following—"and a resident of the county at the time of the filing of such petition."

Add the following, additional:

Section 3. "Nothing in this act shall be so construed as to affect cases pending at the time of the taking effect of this act."

The report was concurred in and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Turpie, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 76, entitled an act to amend an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852, have had the same under consideration and instruct me to report back, recommending that the same be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Turpie, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 166, entitled "a bill to authorize parties to civil actions to be sworn and to testify as witnesses therein," have had the same under consideration and instruct me to report the same back to this House, giving, as the opinion of your committee, that legislation on the subject is inexpedient.

The report was concurred in, and

On motion by Mr. Griffin,

The bill laid on the table.

Mr. Baird, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 165, entitled a bill to amend the eighteenth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Turpie, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 152, entitled a bill to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for the admissibility in evidence of the same or copies thereof," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage;

The report was concurred, and the bill ordered to be engrossed.

Mr. Jefferis, from the committee on trust fund, made the following report:

MR. SPEAKER:

The committee on trust fund, to whom was recommitted with instructions House bill No. 59, an act to extend to borrowers of sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund and other funds, time of payment of loans, and prescribing the duties of officers in regard thereto, have had the same under advisement, and direct me to report it back and recommend its passage when amended as provided in the instruction, which amendment shall read as follows and constitute section 4 of said bill:

Section 4. *Provided*, That the provisions of this act shall not apply to borrowers of any sum or sums over five hundred dollars;

The report was concurred in and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Gifford, from the committee on public expenditures, made the following report on the expenditures of the Asylum for the blind:

MR. SPEAKER:

The committee on public expenditures, have examined the expenditures of the Asylum for the Blind, and now submit the following report:

With a view to ascertain the general economy of its management they examined the expenditures for several years back. On the first of March, 1853, a new system of keeping accounts was adopted by Dr. Ellis, the Secretary of the Board of Trustees, and the change was so radical that comparisons of expenditures cannot be instituted between years prior and subsequent to that change. As the fiscal year ends on the 31st day of October, we have but eight months of the year 1853, to contrast with the expenditures of entire subsequent years. The leading items of expenditures from March 1, 1853, to the close of the last fiscal year, October 3d, 1858, are as follows:



*STATEMENT showing the leading items of Expenditure of Institute for the education of the Blind, from March 1st, 1853, to October 31, 1858.*

Y E A R .																	
No. of Pupils.		Expenses of Work Department.		Receipts of Work Department,		Current Expenditures.		Miscellaneous Expenditures.		Expenses of Pupils' Clothing.		Receipts for Pupils' clothing.		Fuel and Lights.		Furniture.	
1853.....	51	\$823 88	\$1,859 97	\$3,216 41	\$300 75	317 36	.....	.....	\$676 88	\$2,160 88							
1854.....	77	2,398 75	2,514 96	5,313 74	447 94	234 50	141 87	977 58	38 22								
1855.....	77	4,115 98	2,651 35	8,542 04	699 51	631 89	158 24	1,233 65	583 19								
1856.....	73	3,882 24	1,797 32	8,695 24	983 62	1,909 68	489 42	1,464 36	1,102 29								
1857.....	63	3,169 60	2,229 88	8,466 51	625 61	1,165 24	1,162 90	1,517 99	457 68								
1858.....	53	912 80	1,027 12	5,424 94	110 00	762 73	.....	1,088 03	99 75								

Although this table is very significant of itself, yet a particular reference to it will more clearly exhibit the management of the different Superintendents who have had charge of the Institution.

From its commencement to the first of October, 1853, Mr. Churchman was Superintendent, Mr. Ames from that date to the first of October, 1855, Mr. Larrabee from that time to the first of February, 1857, and from that date to the present, Mr. McWorkman.

By the report of Mr. Churchman, made November 1,

1850, it appears that the work department yielded a net income, up to that time, of.....	\$1,302 71
In 1851.....	315 34
In 1852.....	271 81
In 1853.....	1,035 69

Total net receipts.....	\$2,925 55
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In 1854 and 1855 the loss was.....	\$424 91
In 1856 and 1857 the loss was.....	2,964 64

Total loss in these years.....	\$3,389 55
--------------------------------	------------

The other columns of the table show a no less difference. In 1853, the number of pupils was 51; in 1856, 73. Adding one-third to the amount of current expenses of 1853, to make it a whole year, it gives the current expense of each pupil at \$84 09, multiplying this by 22, the difference in pupils between 1853 and 1856 gives \$1,549 98. The current expenses of 1853, thus increased will be as follows:

Expenses during eight months.....	\$3,216 41
Add one-third.....	1,072 13
Add for 22 pupils.....	1,849 98

Total.....	\$6,138 52
Current expenses in 1856.....	8,695 24

Increased expenditures.....	\$2,556 72
-----------------------------	------------

Making the same increase, the pupils' clothing in 1853 is as follows:

Cost during eight months.....	\$317 36
Add one-third.....	105 79
Add for 22 pupils.....	182 60

Total.....	\$605 75
Pupils' clothing in 1856.....	1,909 68

Increased expenditure.....	\$1,303 83
----------------------------	------------

For eight months in 1853 the cost of fuel and lights was \$676,88 against \$1,464 36, for twelve months in 1856. No comparison can be instituted as to the cost of furniture, because in 1853 the main building of the new edifice was, for the first time, furnished.

This table shows at a glance that the economical management of Mr. Churchman, was departed from by Mr. Ames, and utterly disregarded by Mr. Larrabee. Whether the heavy loss to the work department was occasioned by want of skilful management, or whether sales were made for which no account was rendered, or both, are inquiries not now material to be answered, except so far as is necessary to guard the Institute against future like wrongs. To the propriety of requiring a stricter accountability of the Superintendent as to his report of sales, your committee will presently call the attention of the General Assembly.

It is with pleasure that the committee turn from the mismanagement of Mr. Ames and Mr. Larrabee to the superintendency of Mr. McWorkman. From the time he entered on his office to the close of the last fiscal year, the value of manufactured articles has exceeded the cost of the material \$887 81; the current expenses of 1858 reduced \$3,270 30 below that of 1856, the miscellaneous expenditures for 1858 but \$110 against \$983 62 in 1856; the pupils' clothing in 1856 cost \$1,909 68, in 1858 but \$762 73, and in fuel and lights a saving is made of \$376 33. This reform has not yet reached the economy of Mr. Churchman, but is rapidly approximating to it. To Mr. McWorkman alone is due the entire credit of this reform, for as the present Board of Trustees, who entered into office in 1853, exercised no control in checking the waste of 1854, 1855, 1856 and four months of 1857, your committee can see no reason to attribute to them any agency in this economical reform of Mr. McWorkman.

In order to approximate to a just standard of economy, your committee have examined the expenditures of other institutions of a similar kind. That of the State of Ohio appears to be most economically managed. But on account of difference in keeping accounts, an exact comparison cannot be made. Certain expenditures have to be incurred, whether the pupils be fewer or greater and to compare the expenditures by the *per capita* cost of each, when the number of pupils are so different as those of the Ohio Institution and our own, would be as unjust as it would be false. The principal increased cost between 50 and 100 pupils would be in provisions; but whilst the Ohio Institute separates these from other expenditures, our "current expenditures" embraces many others, such as pay to employees and nearly all the expenditures except for fuel and lights included under the head of "miscellaneous items" in the Ohio Institute. With these difficulties embarrassing them, your committee will, nevertheless, endeavor to institute a just comparison.



In 1858 the number of pupils instructed in the Ohio institution was 105, and its entire expenditures, omitting pay of teachers and officers and a debt of \$20-000, were.....	\$10,827 56
In 1858 the Indiana Institution instructed 53, and deducting from its aggregate expenditures, the pay of teachers and officers, the remainder is.....	8,984 33
The "current expense" account of our Institute is \$5,-424 94, of which about \$2,860 78 is for provisions. Add 100 per cent. increase, (for difference of numbers of pupils), of this amount for provisions is....	2,860 78
Add 25 per cent. increase on the remainder of the "current expense" account for difference in pupils..	641 04

And the expenditure for 106 pupils would be.... \$12,486 15

Which exceeds that of the Ohio Institute..... \$1,658 59

In order to ascertain the causes of this expenditure of \$1,658-59 over that of the Ohio Institute, your committee have compared the principal items of expenditures, as far as the different modes of book-keeping would permit with any accuracy. The following table exhibits the principle differences:

Fuel and lights, Indiana.....	\$1,088 63
Fuel and lights, Ohio.....	709 37
Difference against Indiana.....	<u>\$379 26</u>
Pupils' clothing, Indiana.....	762 73
Pupils' clothing, Ohio.....	000 00
Difference against Indiana.....	<u>\$762 73</u>
Repairs and improvements, Ohio.....	1,862 00
Repairs and improvements, Indiana..	436 64
Difference against Indiana.....	<u>\$1,425 36</u>

No comparison can well be made between the current expenditures of these institutions, for the reason already stated, but this can be done by adding the Ohio expenditures for wages of assistants, provisions, dry goods and miscellaneous, less the cost of fuel and lights, and our expenses under the heads of current expense and miscellaneous, and adding for difference of pupils the foregoing estimates.

Thus contrasted the expenses of the Ohio Institute are	\$6,836 87
Of that of Indiana.....	<u>8,036 76</u>
Difference against Indiana.....	<u>\$1,199 89</u>

The difference in the accounts for pupils' clothing is only nominal. The law directs the Superintendent to file his accounts for money, advanced for such clothing, in the office of the Treasurer of State, who shall give his receipt therefor, and collect them from the county treasurers. But as Mr. McWorkman did not do so until after the close of the fiscal year, the expenses of clothing are charged against the Institute without a corresponding credit. It will be given in the next annual report.

The difference against Ohio Institute for repairs and improvements have been occasioned by their grounds and buildings being less completed than ours.

This comparison shows that the principal expenditures in our Institute over that of Ohio is in the items of fuel and lights, and of current expenses. Our Institution is heated by stoves, that of Ohio by a furnace. In the current expense account we included provisions, and of these the principal items are fresh meat, butter, lard, flour, sugar, coffee, tea, potatoes and apples. The expense of these in the Indiana Institute is \$2,503 19, and when doubled on account of difference of the number of pupils would make a proportionate expenditure of \$5,006 38, against \$3,571 40, of the Ohio Institute, a difference against the former of \$1,434 98. It is in this expenditure that it is to be found the leading difference in the management of the two institutions, and the question is, can these be lessened with proper regard for the health of the pupils. Mr. Patterson, the physician of the Ohio Institute, in his recent report says: "The dietetic department of the Ohio Institution, as bearing on the important question of health, is all that could be desired. An abundant supply of plain, but fresh, wholesome, well-cooked food, properly raised, is furnished to all, and every reasonable want in this department supplied." Your committee have thus contrasted, at some length, the expenses of our Institute with that of Ohio, because these expenses have been the subject of considerable newspaper comment recently, and to point out to the Superintendent wherein he may still further economize. If we consider the condition of the Asylum when he entered on the discharge of its duties, its moral stench offensive to every citizen, and its finances in the worst condition possible, with no efficient board of trustees to aid him, and contrast its present with its past condition, there is no one but should accord to him praise and not inflict censures.

Having examined the expenditures over which the Superintendent has control, your committee proceed to those under the discretion of the Board of Trustees.

The law fixes the salary of the Superintendent at \$800, and board in the Institution. Among the accounts allowed by the trustees, is one for \$200 for extra services by the Superintendent. This claim is based on the facts that he had saved much to the Asylum by discharging employees and performing their duties himself. Whilst the committee have given to the Superintendent



their unqualified approbation for his economical reforms, they must condemn this extra allowance. When the salary of any officer is fixed by the General Assembly, no action of subordinate officers that virtually increases it should be tolerated. Extra allowances not only is in violation of the law which limits the salary, but ultimately leads to the neglect of many official duties, unless their discharge is paid for by such allowance. If the trustees believe that the salary is insufficient, they should report their reasons therefor and recommend its increase. Perquisites and extra allowances have had much to do in increasing the public burdens, and at the same time have not secured a better performance of the duties of the office. "The history of charitable institutions," says Governor Whitcomb, "shows a tendency to unnecessary expenditure, and experience teaches that it is much easier to multiply subordinate employment and to originate other modes of extravagance in such establishments, than to lop them off when found unnecessary." Mr. McWorkman is justly entitled to the credit of having lopped off many of these, and hereafter it is hoped that he will not ask any compensation beyond what the law allows, for faithfully performing his duties.

A third class of the expenditures of this Asylum are those created by the General Assembly. The committee regard the expenditures, arising from the compensation and number of trustees and the frequency of their meetings, as altogether too great. In 1858 they were \$1,321 34, two thirds as much as the salaries of all the teachers.

The number of trustees in the Ohio Asylum is but three, one of whom is to make a monthly examination of the institution, a majority semi-annually, and the whole number an annual examination, and they receive no other compensation than having their necessary expenses paid.

The number of trustees in our own is six, meeting monthly, and receiving six cents mileage going and returning, and a per diem allowance of \$2. Their principal duty is to examine the monthly reports of the Superintendent, and his vouchers for accounts paid and accounts not paid. For this purpose three trustees can act as efficiently as six, and their meetings need not be oftener than six times a year. A per diem allowance of — dollars, and their actual traveling expenses in going and returning, would be an ample compensation. It has been seen how inefficient has been their action in limiting the expenditures of the Superintendent to an economical standard, what useful purpose then can be accomplished by so large a number and such frequent meetings at so great a cost.

In examining the monthly reports made by the Superintendent to the trustees of his receipts from the sales of articles manufactured in the work department, there appears to be no check on the action of that officer. He is not required even to keep a book account of the articles made and sold. The trustees should require the Superintendent to keep in a book for that purpose, the



number and kind of articles made, the number and kind sold, to whom sold, the terms of sale and the money collected, and reporting each month the monthly aggregate of all these, together with the kinds and quality of material purchased, and the kinds and number of manufactured articles sold.

Another error permitted by the trustees is in not requiring the transactions of each year to be kept distinct from each other. It appears from the books and reports that in 1858 there was paid out for pupils' clothing the sum of \$762 73, and nothing repaid either by parents or the counties. The law requires the Superintendent to make out accounts for pupils' clothing against the counties from which they come, and file them with the Treasurer of State, who is to receipt for the amount, and collect these accounts from the county treasurers, and such receipt is to be a credit to the Asylum. Mr. McWorkman did not procure the Treasurer's receipts until after the fiscal year, and hence this nominal charge for clothing stands against the Asylum until next year. The law should be so amended as to require the Superintendents of all Asylums to file with the Treasurer all these accounts on the last day of each fiscal year, and forthwith file his receipts with the trustees of their respective institutions, and the Treasurer to report to them on the same day the amounts of these claims of the preceding year, that he has collected, designating each county and the sums, if any, yet collectable.

The propriety of keeping every year's transactions by itself will be apparent to every one, by the confusion and uncertainty following a different course. Thus the books of the trustees show that for 1858, there was expended in material, for the work department, the sum of \$912 80, but no receipts from sales. But the report of the trustees, show receipts of \$1,027 12; whilst the monthly reports of the Superintendent to the trustees, exhibit receipts to the amount of \$1,348 40. This contradiction between the books and reports, arises from not closing the accounts of each year, but permitting them to remain open, to be mixed up with those of the ensuing year. This practice not only misleads those who rely on the annual report, to learn the true expenditures of each year, but also impairs the check on the Superintendent which full and complete annual settlements are intended to create.

The law requires the counties to pay for clothing to an amount not exceeding twenty dollars for each pupil it had at the asylum. Mr. Larabee made out his accounts against the counties for the full amount of \$20 00, whether the clothing provided by him amounted to that sum or not, or whether there was even any pupil from the county. The present Superintendent has properly discontinued this illegal practice, and has given credit to the counties for the excess of their payments.

It is a matter of regret that there is not a common mode of book-keeping for each one of the benevolent institutions of the State, for the comparisons could be better made between their ex-

penditures. And it would be of much greater utility if such a common mode could be established between all these institutions of the west, for then, one economical one, would check extravagance in all.

But lastly, your committee invite the attention of the House to the fact that so limited a number (53) of the blind of our State are now receiving the benefits of an institution, which at so great an expense has been prepared and is maintained for their instruction. Judging from the limited number in attendance, the trustees have adopted no efficient plan to reach them, although the Superintendent has declared that three times the present number could be educated with but a small increased expenditure. It is the duty of the General Assembly to provide means to bring them into the asylum.

Regarding, therefore, the present law as defective and insufficient in many things, your committee report the following bills for the government of the asylum, and procuring statistics relative to the deaf and dumb and blind in the State:

No. 204. A bill prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons, in their respective townships, and prescribing the duties of county auditors and of the auditor of State relative thereto;

Was read a first time and passed to a second reading.

No. 205. A bill for the better management of the institute for the education of the blind, by providing for the election, compensation, and defining the powers and duties of the board of trustees, the treasurer, secretary and superintendent thereof, and designating the terms for the admission and discharge of pupils; for the repeal of all acts in conflict with the provisions of this act, and declaring the existence of an emergency for its immediate enforcement;

Was read a first time and passed to a second reading.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House engrossed bills Nos. 49, 88, 102, 131 and 147, and find them correctly engrossed.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 72, and find it correctly engrossed.



Mr. Hamilton of Boone, from the committee on elections, made the following report:

MR. SPEAKER :

The committee on elections, to whom was referred House bill No. 132, a bill to amend an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852, amending sections forty-eight and fifty and repealing section forty-nine of said act, having considered the same, direct me to report that in the opinion of said committee, the change proposed in said bill, is inexpedient and that legislation thereon unnecessary.

The report was concurred in, and

On motion by Mr. Thompson of Madison,  
The bill was laid on the table.

#### ORDERS OF THE DAY.

##### *House bills on second reading.*

No. 177. A bill to amend section 2 of an act entitled "an act to authorize the re-location of county seats, and for the erection of public buildings in counties in case of such re-location;"

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 170. A bill providing for the colonization of negroes in Indiana, making an appropriation therefor, creating a State Board of Colonization, and defining their powers and duties, and repealing existing laws relative to colonization ;

Was read a second time.

Mr. Ritter moved to refer to a select committee of five ;  
Which was agreed to.

The Speaker appointed Messrs. Ritter, Hunter, Blythe, Sherman and Lawhead said committee.

House bill No. 202. A bill granting the use of part of square No. 25, in the city of Indianapolis, to the North Western Christian University, and authorizing the said University to increase its capital stock.

Was read a second time, and

On motion,

Was referred to the committee on the judiciary.

House bill No. 201. A bill to amend the seventy-eighth section of an act entitled "an act dividing the State into counties,



defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved January 7th, 1852.

Was read a second time, and ordered to be engrossed.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 131. A bill to amend the 207th and 218th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, so as to authorize a change of venue in certain cases.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

On motion by Mr. Colgrove,

The House adjourned until to-morrow morning, 9 o'clock.

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TUESDAY MORNING, 9 o'clock, }  
February 8, 1859. }

The House met.

The Clerk proceeded to read the Journal,  
When,

On motion by Mr. Gifford,

The further reading was dispensed with.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Hunter,

A petition from sundry citizens of Clark county, praying for a law to prevent illegal voting.

Which was,

On motion,

Referred to the committee on elections.

The Speaker laid before the House the following communication from the president of the board of trustees of the Wabash and Erie canal:

TRUSTEES OFFICE, WABASH AND ERIE CANAL, }  
Terre Haute, February 5, 1859. }

SIR:—In compliance with a resolution of the House of Representatives, asking the trustees of the Wabash and Erie canal to furnish an account of all moneys received by each of said trustees, and each of their predecessors in office, for salaries, perquisites, traveling expenses, and otherwise, since the creation of the said board of trustees, I have the honor of submitting the following statement:

There are neither fees or perquisites belonging to, or attaching to the office of trustees, and none have ever been received so far as I know.

The bondholders, at the organization of the trust, fixed the salaries of the trustees elected by themselves as follows: the trustee residing in New York at \$4,000 per annum, and the resident trustee living in Indiana at \$2,000 per annum and necessary traveling expenses, while on the business of the trust. The trustee elected on the part of the State has also received \$2,000 per annum, for the reason, that as no salary was ever fixed for that office, it was thought right to pay him the same salary as that allowed to the resident trustee elected by the bondholders, and he has always received that compensation. The salaries have been paid up to the first day of January, 1859.

For traveling expenses, the amount received by each trustee is as follows, the account being made up to the 1st of January, 1859, or when the term of service of the trustee expired:

Charles Butler, 11 years and 9 months.....	\$4,151 52
Thomas H. Blake, 2 years and 7 months .....	1,754 50
Nathan B. Palmer, 7 months .....	121 19
A. M. Puett, 3 years .....	1,149 59
Thomas Dowling, 8 years and 9 months.....	4,151 42
W. R. Nofsinger, 3 years.....	803 03
B. R. Edmenston, 1 year and 7 months .....	431 04
A. M. Puett, 1 year and 9 months.....	244 30
G. G. Barton .....	1,433 95

The vouchers for these payments are filed in the office of the Auditor of State, up to the end of the fiscal year, October 1, 1858, as are all other payments made by the trustees for ever other branch of expenditures. It is proper to say that the amount put down to G. G. Barton for traveling expenses is not all properly chargeable to that account. Some \$500 of the amount was disbursed by him on account of fees of witnesses in conducting suits.

in which the trustees were parties. The same remark will apply to several items in the expense account of Thomas Dowling, resident trustee, for sums disbursed and paid out by him, other than traveling expenses, while absent on the business of the trust.

Very respectfully,

THOMAS DOWLING,

*Resident Trustee.*

HON. J. W. GORDON,

*Speaker of the House of Representatives, Indianapolis.*

The Speaker laid before the House the following communication from the president of the board of trustees of the Wabash and Erie canal:

TRUSTEES' OFFICE, WABASH AND ERIE CANAL, }  
Terre Haute, February 7, 1859. }

SIR:—I have been notified that the House of Representatives of the Indiana Legislature, on the 2d inst., adopted the following resolution:

*Resolved*, That the trustees of the Wabash and Erie canal are hereby respectfully requested to furnish to this House at their earliest possible convenience, the amount of lands unsold belonging to the canal; and also the amount of lands sold since the transfer of the canal to the bondholders.

In answer to the above resolution I respectfully submit the following statement:

The total quantity of lands unsold east of Tippecanoe on 1st of December, 1858, was.....	999,53 acres.
The total quantity of lands unsold west of Tippecanoe, on 1st December, 1858, was .....	1,571,08 “
The total quantity of lands unsold in the Vincennes district, on December 1, 1858, was ...	135,354,70 “
Making a total of unsold lands of.....	137,925,31 “

The amount of lands sold since the transfer of the canal to the trustees is as follows:

East of Tippecanoe.....	1,893,97 acres.
West of Tippecanoe .....	202,424,10 “
Vincennes district .....	661,310,08 “
Total amount sold .....	865,628,15 “



Presuming that the resolution of the House contemplated asking the amount received on the sales of these lands, and for indebtedness on lands previously sold by the State, and not paid up at the date of the transfer, I beg leave to add that also :

The amount received for sales of lands in the Vincennes district up to December, 1858, was.....	\$1,314,779 71
The lands east and west of Tippecanoe,	
In cash .....	\$620,032 05
In scrip redeemed and canceled....	152,611 00
	<hr/>
	772,643 05
	<hr/>
Total.....	\$2,087,422 76

Though this information is already before the House in the annual report of the trustees, submitted at the beginning of the present session, for the sake of convenience I have taken the liberty to be more explicit than the resolution seemed to require.

Very respectfully,

THOMAS DOWLING,

*Resident Trustee.*

HON. J. W. GORDON,

*Speaker of the House of Representatives, Indianapolis.*

By Mr. Mellet,

A petition signed by sundry citizens of Henry county, praying the enactment of a law authorizing ten per cent. interest on contract;

Which,

On motion by Mr. Mellett,

Was laid on the table.

By Mr. McLain,

A petition signed by N. M. Grandstoff and others, praying for the enactment of a law authorizing ten per cent. on contract;

Which,

On motion by Mr. McLain,

Was laid on the table.

By Mr. Griffin,

A memorial, signed by A. H. Brass and Harvey Wilson, of Lake county, in relation to the drainage of swamp land;

Which,

On motion,

Was referred to the committee on swamp lands, without reading.

## REPORTS FROM STANDING COMMITTEES.

Mr. Comstock from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 153, "a bill to amend the thirty-fourth section of the forty-eighth chapter of volume 'one of the Revised Statutes of 1852, entitled 'an act to provide for the opening, vacating and changing of public highways,' approved June 17, 1852, and establishing the width of township highways," have had the same under consideration, and have instructed me to report the same back to the House, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Comstock, from the same committee, made following further report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 130, "a bill to authorize the board of county commissioners in the several counties in this State, to abolish all road districts and parts of road districts, within the limits of incorporated towns within their respective counties, and to place the road work and road tax under the control of the council of said town," have had the same under consideration, and instruct me to report the same back to the House, and recommend its indefinite postponement.

Mr. Hall of Grant moved to lay the report and bill on the table; Which was agreed to.

## REPORTS FROM SELECT COMMITTEES.

Mr. Edwards, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of citizens of Marshall county, asking a repeal of the laws on the subject of colonization, and also, to whom was referred House bill No. 161, providing for such repeal, have directed me to report the same back to the House, with the recommendation that they be recommitted to the select committee to whom was referred House bill No. 170; Which was concurred in.

Mr. Mellett, from a select committee, made the following report :

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 144, a bill to amend sections eight and nine of an act entitled "an act creating the twelfth and thirteenth judicial circuits, and providing for the election of the judges thereof," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

The report was concurred in.

Senate bill No. 144, was then read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Robinson, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—72.

No person voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Colgrove, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 119, the same being a bill to provide for the distribution of the sinking fund, have had the same under consideration and have instructed me to report the same back and recommend its passage.

Which was concurred in.

Mr. Colgrove moved that bill No. 119 be made the special order for Tuesday next, at 10 o'clock, A. M.

Which was agreed to.



## ORDERS OF THE DAY.

*Senate Bills on First Reading.*

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 102. A bill to amend the third section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof."

In which the concurrence of the House is respectfully requested.

Senate bill No. 102, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to-wit:

Senate bill No. 49. A bill fixing the time of holding courts in the fifth judicial circuit, and repealing all laws in conflict therewith.

Senate bill No. 172. A bill to fix the time for holding the circuit court in the first judicial circuit, and repealing all laws in conflict therewith.

In which the concurrence of the House is respectfully requested.

Senate bill No. 49, contained in the foregoing message, was read a first time.

Mr. Cavins moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Dougherty, Durham, Devol, Early, Edwards, Firestone, For-

dyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Robinson, Row, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Hamilton of Boone, Hancock, Hartley and McLain—4.

So the rule was suspended and the bill read a second time by its title, and passed to a third reading.

Senate bill No. 172, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 142. A bill to amend the sixth, eighth, ninth and fourteenth sections of an act entitled "an act to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto," approved December 21, 1858, also defining the duties of appraisers and deputy appraisers and the auditor of State.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 142, contained in the foregoing message, was read a first time and passed to a second reading.

Mr. Turpie obtained leave and made the following report from a select committee:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 58, a bill to require the Governor to make his requisition for the apprehension and delivery of fugitives from justice," have had the same under consideration, and have instructed me to make the following report:

Amend by striking out all after the enacting clause in said bill and insert the following:

That the Governor is hereby authorized and required to deliver up all fugitives from justice, upon the requisition of the executive or other proper authority of the State, district or territory, from which such fugitives may have fled, in the following cases, namely:

*First.* All persons charged either upon indictment, information or affidavit, as authorized by the laws of the State, district or territory from which the persons so charged may have fled, with any offense which by the common law was felony.

*Second.* All persons charged in like manner, with any offence not of the degree of felony at common law, but which has been made felony by the statutes of this State and of the State, district or territory from which such persons may have fled; *Provided, however,* that the State, district or territory from which such persons may have fled shall have passed an act, for the delivery up to the authorities of this State, upon the Governor's requisition setting forth the charge, the same class of offenders.

Section 2. The Governor is hereby authorized and required to make requisitions upon the executors or other proper authority of other States, district or territory for the delivery up of all fugitives from justice from this State to such other States, district or territory, respectively in the following cases, namely:

*First.* All persons charged either by indictment, information or affidavit as authorized by the laws of this State, with any offence which by the common law was felony.

*Second.* All persons charged in like manner with any offence not of the degree of felony at common law, but which has been made felony by the Statutes of this State and of the State, district or territory to which such persons may have fled; *Provided, however,* that the State, district or territory to which such persons may have fled, shall have passed an act for the delivery up to the authorities of this State upon the Governor's requisition setting forth the charge, the same class of offenders.

Section 3. The Governor shall not issue his requisition in any case not herein provided for, nor shall he upon the requisition of the executive or other proper authority of any other State, district or territory deliver up to the authorities thereof, any fugitive from justice, except as herein provided.

Section 4. In as much as there is now no law on the subject of delivering up fugitives from justice, it is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall take effect and be in force from and after its passage, and publication in the Indiana State Sentinel and the Indiana State Journal.

And when so amended they recommend its passage.

The report was concurred in, and No. 58 as amended ordered to be engrossed.



Mr. Baird, from the committee on the judiciary, obtained leave and made the following report :

**MR. SPEAKER:**

The judiciary committee, to whom was referred House bill No. 13, being an act to amend the first section of an act entitled "an act concerning real property and alienation thereof, so as to allow women who have married aliens, and live abroad with their husbands to hold real estate," have had the same under consideration and instructed me to report the same back and recommend its passage ;

The report was concurred in, and the bill ordered to be engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to bring to the House enrolled Senate act No. 84, an act fixing the time of holding courts of common pleas in the county of Huntington, and prescribing the length of terms, and providing for the return of process heretofore issued or that may hereafter issue ;

For the signature of the Speaker thereof.

Mr. Sherman obtained leave and introduced

House bill No. 206. A bill to amend the thirty-sixth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor ;"

Which was read a first time and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

No. 205. A bill for the better management of the Institution for the Education of the Blind, by providing for the election, compensation, and defining the powers and duties of the Board of Trustees, Treasurer, Secretary and Superintendent thereof, and designating the terms for the admission and discharge of pupils, for the repeal of all acts in conflict with the provisions of this act, and declaring the existence of an emergency for its immediate enforcement ;

Was read a second time, and

On motion,

Referred to the committee on benevolent institutions.

No. 204. A bill prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons in their re-

spective townships, and prescribing the duties of county auditors and of the Auditor of State, relative thereto;

Was read a second time, and,

On motion,

Referred to the committee on benevolent institutions.

No. 203. A bill to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852;

Was read a second time.

Mr. Prosser moved that the bill be referred to select committee of three;

Which was agreed to.

The Speaker appointed Messrs. Prosser, Blythe and Colgrove said committee.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 1. A bill to amend the sixth, seventh, twelfth, fourteenth, nineteenth and twentieth sections of "an act regulating the granting of divorces, nullification of marriages and decrees and orders of court incident thereto," approved May 13, 1852, and providing for opening decrees in the cases therein specified, and the time when this act shall take effect;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 8. A bill to amend an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 107. A bill to authorize appraisers of real property and their deputies to administer all oaths and affirmations required to be administered in the discharge of their official duties;

Which was read a first time and passed to a second reading.

## HOUSE BILLS ON THIRD READING.

No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares and to issue certificates thereof;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Boyd, Boxley, Branham, Brother-ton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Kempf, Knowlton, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Robinson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Madison, Thompson of Elkhart, Turpie, Usrey, Waterman, Whetzel and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Austin, Comstock, Jones, Keefer, Kelly, Lawhead, Lewis, McLain, Parks, Prosser, Row, Shields, Shockley, Wheeler, Whiteman, Wildman and Wood—17.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Baird obtained leave and made the following report from the committee on the judiciary:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 158, "a bill to provide for the management and disposal of the estates of persons who have mysteriously disappeared, or who have deserted their families without having made any legal provision for the care of such estate and the support of their families," have had the same under consideration and instructed me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.



No. 39. A bill to amend the thirty-seventh section of chapter six, Vol. II, of the Revised Statutes of 1852, entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Branham Brotherton, Carr, Cavins, Clark, Collier, Comstock, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Harrison, Hunter, Jefferis, McLain, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Robinson, Rynerson, Scott, Sherman, Shockley, Smith of Miami, Sullivan, Thompson of Elkhart, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—38.

*Those who voted in the negative were,*

Messrs. Blythe, Boyd, Boxley, Claypool, Clayton, Davis, Dobbins, Dougherty, Durham, Early, Firestone, Gifford, Hamilton of Boone, Hancock, Harney, Hartley, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Mansfield, Massey, Merrifield, Miller, Murray, Nelson, Prosser, Row, Shields, Stiles, Tebbs, Thompson of Madison, Usrey, Whetzel and Wood—39.

So the bill did not pass.

No. 49. A bill to authorize the board of commissioners of the several counties through which the Michigan road runs, to reduce the width of the same.

Was read a third time, and

On motion by Mr. Mellett,  
The bill was laid on the table.

No. 72. A bill to amend sections one and two of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State," approved March 1st, 1853,

Was taken up.

Mr. Early moved to reconsider the vote ordering the bill to be engrossed.

Which was agreed to.

Mr. Nebeker of Warren moved to refer the bill to the committee on the judiciary.

Which was agreed to.

28—H. J.

No. 82. A bill to regulate the practice in certain cases appealed to the supreme court.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Dobbins, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Harrison, Hunter, Jeffries, Johnston, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Turpie, Usrey, Whetzel, Wildman and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Hancock, Harney, Hartley, Jones, Keefer, Kelly, Kempf, McLain, Row, Waterman and Wood—11.

So the bill passed.

*Ordered* that the Clerk inform the Senate thereof.

No. 85. A bill for the relief of Peter Shultz of Greene county, and releasing to him the interest which the State holds in certain lands.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clark, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Power, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—77.

Mr. Hancock voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 88. A bill to amend section five hundred and thirty-one of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Carr, Clark, Hall of Rush, Harrison, Hunter, Jefferis, Mellett, Murray, Martin Nebeker of Vermillion, Parks, Prosser, Robinson, Row, Rynerson, Shockley, Stanfield, Stiles, Thompson of Elkhart, Wildman and Mr. Speaker—23.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Boyd, Branham, Brotherton, Cavins, Clayton, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Hancock, Harney, Hartley, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Nebeker of Warren, Nelson, Newton, Power, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanley, Sullivan, Tebbs, Thompson of Madison, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Wood—57.

So the bill did not pass.

No. 102. A bill to authorize all persons to travel upon plank, M'Adamized, and gravel roads, free from toll, in going to and returning from church or public worship on the Sabbath day.

Was read a third time, and

The question being, shall the bill pass?

Mr. Lawhead moved the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question now being on the passage of the bill.



*Those who voted in the affirmative were,*

Messrs. Austin, Black, Boxley, Carr, Cavins, Claypool, Clayton, Colgrove, Edwards, Firestone, Hall of Grant, Hancock, Harney, Harrison, Hartley, Jefferis, Johnston, Kelly; Lawhead, McLain, Newton, Parks, Robinson, Row, Rynerson, Scott, Sherman, Shields, Snyder, Stanley, Sullivan, Tebbs, Thompson of Elkhart, Usrey, Waterman, Whiteman, Wood and Mr. Speaker—38.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Boyd, Branham, Brotherton, Clark, Collier, Comstock, Davis, Dobbins, Dougherty, Durham, Early, Fordyce, Gifford, Hall of Rush, Hunter, Jones, Keefer, Kempf, Knowlton, Lewis, Major, Mansfield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Prosser, Shockley, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Madison, Wheeler, Whetzel and Wildman—40.

So the bill did not pass.

On motion by Mr. Keefer.

The House adjourned until 2 o'clock, P. M.

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2 O'CLOCK, P. M.

The House met.

The hour having arrived the House began to consider the

SPECIAL ORDER OF THE DAY.

House bill No. 1. A bill to provide for taking the sense of the qualified voters of the State on calling a convention to alter, amend or revise the constitution of the State; and pending amendments.

Mr. Davis moved a call of the House;  
Which was ordered.

The clerk proceeded with the call, when the following members answered to their names :

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brother-ton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Col-lier, Comstock, Davisson, Dobbins, Dougherty, Devol, Early, Ed-wards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Han-cock, Harney, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Mel-lett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Prosser, Robinson, Row, Scott, Sherman, Shock-ley, Snyder, Stanfield, Sullivan, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Wildman, Wood and Mr. Speaker—68.

On motion,  
The further call of the roll was dispensed with.

Mr. Davis moved to refer House bill No. 1, and pending amend-ments, to a select committee of five ;

Which was agreed to.

Mr. Hamilton of Boone obtained leave and introduced the fol-lowing preamble and resolution :

**WHEREAS**, There are many provisions of the constitution of the State of Indiana that are defective, rendering legislation under it difficult, expensive, tedious, and in some respects impossible, or at least inadequate to the emergencies of the case or the wants of the citizens of the State, restricting remedies that would tend to the public good.

**AND WHEREAS**, In the opinion of this House it would manifestly be to the interest and welfare of the people of this State to have said defective provisions amended, and said constitution as nearly as possible perfected ; therefore be it

*Resolved*, That a committee of one from each congressional dis-trict be appointed to draw up and report to this House such amendments to said constitution as may be thought advisable and necessary, to be submitted to this General Assembly, in conformity with the provisions of the sixtieth article of said constitution.

Which was agreed to.

Mr. Mansfield obtained leave and offered the following resolu-tion :

*Resolved*, That the committee on education be instructed to in-quire into the expediency of supplying the libraries of the prin-

cipal colleges of the State, with copies of all the State documents, as they hereafter appear in print, and to devise a suitable plan for transmitting the same.

Which was agreed to.

Mr. Lawhead obtained leave and offered the following preamble and resolution :

**WHEREAS**, The State is paying large sums for office rent in this city ;

**AND WHEREAS**, It owns good and suitable lots in good localities for offices ; therefore be it

*Resolved*, That the committee on public buildings inquire into and report upon the expediency of putting up suitable buildings for State officers.

Which was agreed to.

Mr. Hunter obtained leave and introduced

House bill No. 207. A bill to provide for the empannelling jurors in civil and criminal cases, in the circuit and common pleas courts, and repealing all laws conflicting therewith ;

Which was read a first time and passed to a second reading.

Mr. Stanfield obtained leave and introduced

House bill No. 208. A bill to provide for the case of removal from office, death, resignation or inability, both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor ;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Third Reading.*

No. 131. A bill to secure dues from corporations.

Was read a third time, and

The question then being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Branham, Brother-ton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hancock, Harney, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis,



McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—77.

No one voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Davis moved to reconsider the vote referring House bill No. 1 to a select committee of five;

Which was agreed to.

Mr. Davis moved to recommit House bill No. 1 and pending amendments to a select committee of one from each congressional district:

Which was agreed to.

The Speaker appointed Messrs. Davis of the second district, Blythe of the first district, Branham of the third district, Durham of the fourth district, Mellett of the fifth district, Dougherty of the sixth district, Edwards of the seventh district, Hamilton of Boone of the eighth district, Stanfield of the ninth district, Waterman of the tenth district, and Comstock of the eleventh district, said committee.

No. 101. A bill to regulate the practice in civil cases in the courts of this State, in taking exceptions to the overruling of demurrers;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavens, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley,

Smith of Miami, Snyder, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—84.

No one voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

No. 103. A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, and to legalize certain acknowledgments therein specified ;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Boyd, Branham, Brother-ton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Perry, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—85.

So the bill passed.

No one voting in the negative.

Mr. Early moved to amend the title as follows, to-wit :

"An act to amend the forty-ninth section of an act entitled "an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855, and to legalize the acts of certain officers therein named ;"

Which was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of said bill.

No. 133. A bill supplemental to an act entitled "an act to amend the sixty-fifth and sixty-sixth sections of an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and supplemental thereto, approved February 20, 1855;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Wood and Mr. Speaker—84.

No one voting in the negative.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

#### BILLS INTRODUCED.

By Mr. Mellett,

No. 209. A bill to amend the thirty-eighth section of an act entitled "an act defining felons, and prescribing punishment therefor;" approved June 10, 1852.

Was read a first time and passed to a second reading.

By Mr. Blythe,

No. 210. A bill to create the fourteenth judicial circuit.

Which was read a first time and passed to a second reading.



By Mr. Devoll,

Bill No. 211. A bill to amend the second, third, fourth, seventh, eighth and ninth sections of an act entitled "an act regulating the fees of officers and repealing former acts in relatiod thereto."

Which was read a first time and passed to a second reading.

By Mr. Waterman,

No. 212. A bill prescribing a part of the duties of county auditors and treasurers, township clerks and supervisors of roads, in relation to road tax, and to provide a penalty for any failure on the part of said officers to discharge their duties as required in this act;

Which was read a first time and passed to a second reading

By Mr. Hartley,

No. 213. A bill to amend the twenty-third section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State;"

Which was read a first time and passed to a second reading.

By Mr. Durham.

No. 214. A bill to amend section four hundred and forty-one of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, so as to compel the sheriff having an execution issued on a judgment less than one hundred dollars, exclusive of accruing interest and cost, to levy the same on real estate designated by the judgment debtor;

Which was read a first time and passed to a second reading.

By Mr. Fordyce,

No. 215. A bill to provide for locating and working highways situated upon county lines;

Which was read a first time and passed to a second reading.

By Mr. Kempf,

No. 216. A bill to prohibit intermarriage of consanguinity;

Which was read a first time and passed to a second reading.

By Mr. Stanfield,

No. 217. A bill in relation to the levy of an execution or attachment on partnership property for the individual debt of one partner;

Which was read a first time and passed to a second reading.

By Mr. Murray,

No. 218. A bill to fix the time for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and to repeal all other laws or parts of laws inconsistent with this act.

Which was read a first time and passed to a second reading.

By Mr. Griffin,

No. 219. A bill for the relief of Ira O. Dibble;

Which was read a first time and passed to a second reading.

By Mr. Shields,

No. 220. A bill to amend the title and section one of an act entitled "an act to vest certain rights in married women whose husbands have left the State without making suitable provision for their maintenance, or whose husbands are confined in the State prison," approved March 4, 1857;

Which was read a first time and passed to a second reading.

By Mr. Snyder,

No. 221. A bill fixing the time for holding the circuit courts in the twelfth judicial circuit, regulating the terms thereof and repealing all laws inconsistent therewith.

Which was read a first time and passed to a second reading.

By Mr. Cavins,

No. 222. A bill to amend section forty-two of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof.

Which was read a first time and passed to a second reading.

By Mr. Cavins,

No. 223. A bill to amend section one of an act entitled "an act to provide for the selection and empanneling of petit jurors in

the courts of common pleas, and providing compensation therefor," being supplemental to an act entitled "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof" approved May 20, 1852, approved March 1, 1853, so as to prescribe the time when said jurors shall be empaneled.

Which was read a first time, and passed to a second reading.

By Mr. Wildman,

No. 224. A bill to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed.

Which was read a first time and passed to a second reading.

By Mr. Knowlton,

No. 225. A bill to amend the ninety-fourth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State."

Which was read a first time and passed to a second reading.

By Mr. Martin,

No. 226. A bill to amend section eight of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers." approved May 27, 1852.

Which was read a first time and passed to a second reading.

By Mr. Harney,

No. 227. A bill to amend an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares, and grounds or any part thereof, the making out and recording of plats of such towns, and providing for the changing of the names of such towns," approved May 20, 1852.

Which was read a first time and passed to a second reading.

By Mr. Waterman,

No. 228. A bill to provide for the collection of the surplus revenue fund belonging to the counties of Dekalb, Lake and Wells, on loan at the State Treasury, and for the payment of said fund over to the treasurers of said counties.

Which was read a first time and passed to a second reading.



By Mr. Snyder,

No. 229. A bill to amend the seventy-sixth section of an act entitled "an act defining misdemeanors and prescribing punishments therefor," approved June 14, 1852.

Which was read a first time and passed to a second reading.

By Mr. Major,

No. 230. A bill to amend section 113 of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time and passed to a second reading.

By Mr. Knowlton,

No. 231. A bill prescribing the duties of parties commencing prosecuting or defending suits of action in the circuit and common pleas courts of this State.

Which was read a first time and passed to a second reading.

Mr. Harney moved that House bills No. 193, 194 and 195 be made the special order of the day for Thursday next at 10 o'clock. A. M.

Which was agreed to.

By Mr. Hamilton of Boone,

No. 232. A bill to amend the tenth section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Boone,

No. 233. A bill to amend the third section of an act entitled "an act providing for the election and prescribing certain duties of county surveyors," approved June 17, 1852.

Which was read a first time and passed to a second reading.

By Mr. Waterman,

No. 234. A bill to provide for taking appeals from the decisions of officers having charge of common schools or school funds,

in relation to said schools or funds, to the proper county auditor, and to provide for the repeal of all laws coming in conflict with this act.

Which was read a first time and passed to a second reading.

By Mr. Usrey,

No. 235. A bill to amend the sixth section of an act entitled "an act in relation to county auditors," approved May 31, 1852, and to add an additional section thereto, authorizing the county auditors to use the seal of the county commissioners for certain purposes.

Which was read a first time and passed to a second reading.

By Mr. Snyder,

No. 236. A bill fixing the time for holding the common pleas courts in the counties of Warren, Benton and Jasper, regulating the terms thereof, and repealing all laws inconsistent therewith.

Which was read a first time and passed to a second reading.

By Mr. Murray,

No. 237. A bill to amend an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.

Which was read a first time and passed to a second reading.

By Mr. Kempf,

No. 238. A bill to authorize the erection of houses of refuge, titled "Magdalene Asylums," for penitent prostitutes.

Which was read a first time and passed to a second reading.

By Mr. Waterman,

No. 239. A bill requiring jury cases to be tried first in the courts of this State, and requiring that the regular pannel be discharged as soon as such jury cases are disposed of, and to provide for the summoning of juries from the bystanders in certain cases.

Which was read a first time and passed to a second reading.

By Mr. Knowlton,

No. 240. A bill to amend the 13th section of an act entitled "an act providing for the election and qualification of justice of the peace, and defining their jurisdiction, powers and duties in civil cases;"

Was read a first time and passed to a second reading.

By Mr. Murray,

No. 241. A bill to amend the 97th section of an act entitled "an act to revise simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. Knowlton obtained leave and offered the following resolution, viz:

*Resolved*, That the Doorkeeper buy five dollars worth of postage stamps for each member and deliver the same.

Mr. Comstock moved to amend by striking out "five dollars" and inserting "two dollars."

Mr. Thompson of Madison, moved to strike out "two dollars" and insert "three dollars;"

Which was agreed to.

The resolutions as amended was then agreed to.

The Speaker laid before the House a memorial signed by sundry citizens of Marion county, praying against the repeal of the law authorizing the formation of companies for the detection of horse thieves:

On motion,

The memorial was referred to the committee on rights and privileges of the inhabitants of this State.

Mr. Hamilton of Boone, obtained leave and made the following report, viz:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 143, an act to regulate the appraisement of property in cities, &c., have examined the same and directed me to report the same back to the House and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Power obtained leave of the House and made the following report from a select committee:



MR. SPEAKER:

The select committee, to whom was referred House bill No. 203, a bill to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," have had the same under consideration, and have unanimously directed me to report the same back to the House and recommended its passage;

The report was concurred in, and No. 203 ordered to be engrossed.

Mr. Parks, from the committee on engrossed bill, made the following report:

MR. SPEAKER:

The committee on engrossed bills, to whom was referred House bill No. 201, to amend the 78th section of "an act dividing the State into counties defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved January 7, 1852, have compared the same with the original bill and find the same correctly engrossed.

Mr. Griffin, from the committee on engrossed bills, made following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed bills of the House Nos. 94, 5, 124, 129 and 171 and find them correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I herewith return for the signature of the Speaker of the House of Representatives thereof, enrolled act of the Senate No. 144, entitled an act to amend sections eight and nine of an act entitled "an act creating the twelfth and thirteenth judicial circuits, and providing for the election of judges thereof," approved February 9, 1855.

On motion by Mr. Sullivan,  
The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }  
February 9, 1859. }

The House met.

On motion by Mr. Prosser,  
The reading of the journal was dispensed with.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Mellett, from the committee on banks, made the following report:

MR. SPEAKER:

The committee on banks, to whom was referred House bill No. 188, being a bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 3, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Parks, from the committee on rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of this State, to whom were referred two petitions from the citizens of Laporte county, for the protection of fish in the lakes during spawning season, have had the same under consideration, and have instructed me to report the same back to the House and say that the committee has heretofore reported a bill on that subject, therefore they recommend the said petition be laid on the table;

The report was concurred in.

Mr. Massey, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on rights and privileges, to whom was referred House bill No. 6, entitled a bill to amend the second section of an  
H. J—29.

act approved March 7, 1857, entitled "an act to authorize the formation of new counties and to change county boundaries," have had the same under consideration, and instruct me to report the same back to this House and recommend that it be laid on the table.

Mr. Nebeker of Warren, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER ;

The undersigned, a member of the committee on the rights and privileges of the inhabitants of this State, would respectfully submit to the House of Representatives, his reasons for dissenting from the decision of the majority of said committee in relation to the report just made on House bill No. 6, entitled a bill to amend the second section of an act approved March 7, 1857, entitled "an act to authorize the formation of new counties and to change county boundaries."

The undersigned has not been able to find any law, on any statute book, that furnishes the same facility for a portion of a county, to transfer itself without notice, and without having ascertained the wish of the voters of one or the other of the counties to be affected thereby, severing corporations with the wish only of the minority expressed, diminishing or increasing the jurisdiction of county officers, making counties liable to be added to or diminished to suit the whims of politicians or others, destroying vested rights and deranging land titles.

The Constitution will not permit a county that has an area of over four hundred square miles, to be reduced below that quantity nor a county with less than that quantity to be further reduced.

There are in the State thirty-nine counties that have an area of over four hundred square miles, then that number of counties can be affected by a reduction. And as all of those counties are surrounded by other counties, to which may be attached territory, it will be seen that all of the counties are interested in this question. We have not been curious enough to hunt out the exceptions if there are any. We do not deem it proper that the lines of counties should be changed without giving the interested parties notice by advertisement in a newspaper or otherwise. Yet the law, as it now stands, does not require notice of any kind. But your statutes sufficiently guard the rights of the people in roads, so as to require twenty days notice and a petition to the next session of the board of county commissioners, the appointment and view and report to the next board thereafter; if objections are made by any one, the board are required to appoint reviewers, whose duty it is to assess damages and report to the next board. Not so with this.

The section of the law proposed to be amended, provides that a



majority of the legal voters who shall reside in a territory whose jurisdiction it is proposed to change, may change the same without petition, without consulting the minority of said territory, without giving notice by advertisement, without providing for a view or review of the question, and without providing for the payment of damages. And all of this is to be done, too, without affording any means by which the wish of the voters of the county to be affected thereby, can be known.

An organized county is a corporation. The legal right to dissolve a corporation by a majority *only* of the *disaffected*, who desire to go out of the corporation is doubted; we think the consent of a majority of the corporation is imperative. If this principle is wrong, why not extend the provisions of the law to States and townships. A county can receive territory that may contain one section of land and five voters, if three of said voters should petition for such change. This question does affect the whole county. To illustrate, take the county of Allen, she has a territory of 672 square miles, and can be shorn of 272 square miles, which is over one-third of her territory. The majority of the whole county voted a stock of \$100,000 for railroad purposes; now if it is legal, is it right for one-third of the county of Allen, after aiding by their votes to create this debt, to attach itself to one or more of the six counties, that touch her borders, without securing the consent of the remaining two-thirds of the county that would yet remain to constitute the county of Allen, and to pay the whole debt, with only two-thirds of her acres, upon which to levy a tax—the other one-third having avoided the liability, by being attached to other counties.

By this law the jurisdiction of county officers may be reduced, and their rights curtailed, and that may be done by consulting a majority only of the *one-third* of the territory, that to-day constitutes a part of the county of Allen, but to-morrow may be taking the first steps towards dissolution. To illustrate, the recorder's jurisdiction would be reduced to two-thirds of its former area. Territories now attached to counties, the areas of which is over 400 square miles, may avoid the taxes assessed for any purpose. For example say, building a court-house, by attaching itself to another county, by its own action, without the consent of the tax payers of the county interested in said assessment. Therefore the undersigned would recommend the passage of the bill.

The question being on concurring in the majority report;  
It was not concurred in.

Mr. Murray moved to reconsider the vote on refusing to concur in the majority report.

Mr. Prosser moved to lay the motion to reconsider on the table.

Mr. Whetzel moved the previous question ;  
Which was not seconded.

The question being on laying the motion to reconsider on the table.

It was not agreed to.

The bill was then ordered to be engrossed.

Mr. Parrett obtained leave and presented a petition signed by Wm. S. Lamb and others, of Perry and Spencer counties, praying for the formation of a new county from the contiguous territory of the aforesaid counties ;

Which was referred to a select committee of five.

The Speaker appointed Messrs. Parrett, Smith of Perry, Jones, Davis and Blythe said committee.

Mr. Baird moved to reconsider the vote on concurring in the report of the committee on the judiciary on House bill No. 37 ;

Which was agreed to.

Mr. Baird moved to recommit the bill and report to a select committee of three ;

Which was agreed to.

The Speaker appointed Messrs. Baird, Prosser and Davis said committee.

A message from the Governor, by Mr. Osbourne, executive messenger.

**MR. SPEAKER :**

I am directed by the Governor to inform the House that he has approved and signed the following bills :

Senate bill No. 84. An act fixing times of holding courts of common pleas in the county of Huntington, and prescribing the length of the terms, and providing for the return of process heretofore issued, or that may hereafter issue.

Senate bill No. 144. An act to amend sections eight and nine of an act entitled "an act creating the twelfth and thirteenth judicial circuits, and providing for the election of judges thereof," approved February 9, 1855.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER :

The committee on engrossed bills have examined House engrossed bill No. 93, and House engrossed bill No. 105, and House engrossed bill No. 144, and House engrossed bill No. 182, and find them correctly engrossed.

Mr. Hall of Rush, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House engrossed bill No. 107, and find the same correctly engrossed.

Mr. Parks, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined engrossed bills of the House Nos. 176, 142 and 59, have compared them with the originals, and find them correctly engrossed.

#### ORDERS OF THE DAY.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate refuses to concur in the amendment of the House to House bill No. 12, "a bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing of, or failure to redeem any such currency."

Mr. Stanfield moved that the House insist on its amendment ;  
Which was agreed to.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Brotherton moved to reconsider the vote by which House bill No. 88 failed on its passage.

Mr. Lawhead moved the previous question ;  
Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.



The question being on reconsidering the vote,

Messrs. Ritter and Devol demanded the ayes and noes.

*Those who voted in the affirmative were*

Messrs. Brotherton, Carr, Clark, Cotton, Devol, Early, Griffin, Hall of Grant, Hall of Rush, Harrison, Jefferis, Miller, Martin, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Shockley, Stanfield, Stiles, Treadway, Waterman and Wildman—25.

*Those who voted in the negative were*

Messrs. Austin, Baird, Black, Blythe, Boyd, Boxley, Branham, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Edwards, For-dyce, Gifford, Gregory, Hamilton of Boone, Harney, Hartley, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Parrett, Power, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Snyder, Stanley, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—62.

So the motion to reconsider did not prevail.

Messrs. Davis, Blythe and Martin were excused from serving on the select committee to which was referred House bill No. 151.

The Speaker appointed Messrs, Griffin, Treadway and Parks to fill the vacancies on said committee.

Mr. Prosser moved to suspend the order of business to enable him to move to reconsider the vote by which House bill No. — failed on its passage ;

Which was not agreed to.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof:

Senate bill No. 13. A bill to amend the twentieth, twenty-eighth, thirty-second, thirty-fifth and fifty-first sections of an act entitled "an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the

draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852.

Senate bill No. 17. A bill to provide for the partition of real estate, and for laying the same off into lots, out-lots, streets and alleys and for the sale thereof, and also to provide when the same shall take effect.

Senate bill No. 170. A bill to fix the times of holding the court of common pleas in the county of Marion, and prescribing the length of the terms thereof, and repealing all laws in conflict therewith.

In which the concurrence of the House is respectfully requested.

Senate bill No. 170, contained in the foregoing message, was read a first time.

Mr. Gordon moved to suspend the rule and read the bill a second time now by its title;

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Harrison, Hartley, Jefferis, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrified, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—80.

Mr. Hamilton of Boone voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Branham moved to suspend the rule and read the bill a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Boxley, Branham, Brother-

ton, Carr, Clark, Clayton, Colgrove, Collier, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Harrison, Hartley, Jefferis, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—75.

No person voting in the negative.

So the rule was suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Harrison, Hartley, Jefferis, Jones, Jordan, Kelly, Kempf, Knowlton, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—77.

No one voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Senate bills Nos. 13 and 17, contained in the foregoing message, were severally read a first time and passed to a second reading.

On motion by Mr. Dougherty,  
The House adjourned until 2 o'clock P. M.



2 o'clock, P. M.

The House met.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 181. A bill to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court, and to fix the time of holding said court, and to require all parties, jurors, witnesses, and all others interested, to take notice thereof. In which the concurrence of the House is respectfully requested.

Senate bill No. 181, contained in the foregoing message, was read a first time and passed to a second reading.

Mr. Griffin, having obtained the consent of the House, made the following report from a select committee:

MR. SPEAKER:

The special committee to whom was referred House bill No. 190, entitled a bill to amend sections eleven and twelve of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of, and providing compensation for the judge thereof," approved May 14, 1852, have had the same under consideration and instruct me to report the same back and recommend its passage.

Mr. Mellett moved to recommit the bill and report to the committee on the judiciary.

Which was agreed to.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 210. A bill to create the fourteenth judicial circuit. Was read a second time.

Mr. Blythe moved to amend the bill by striking out the word "fourteenth" wherever it occurs and inserting "fifteenth." Which was agreed to.

On motion,

The bill was then referred to the committee on the organization of courts of justice.

SENATE BILLS ON THIRD READING.

Senate bill No. 49. A bill fixing the time of holding courts in the fifth judicial circuit, and repealing all laws in conflict therewith;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hartley, Johnstone, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—79.

No one voting in the negative.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Prosser, under the suspension of the order of business, moved to reconsider the vote by which House bill No. 186, a bill to amend section 103 of an act entitled ‘an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State,’ approved June 17, 1852, was indefinitely postponed;

Which was agreed to.

The question being on concurring in the report and indefinitely postponing the bill.

Messrs. Prosser and Mellett demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Boyd, Brotherton, Carr, Clements, Davis, Dobbins, Durham, Early, Edwards, Firestone, Hartley, Jefferis, Jones, McLain, Massey, Martin, Parks, Power, Robinson, Row, Shields, Shockley, Snyder, Stanfield, Stiles, Sullivan, Turpie, Usrey, Wheeler, Whiteman and Wood—33.

*Those who voted in the negative were,*

Messrs. Branham, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Dougherty, Devol, Early, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Harrison, Johnston, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Mellett, Murray, Nebeker of Warren, Nebeker of Vermillion, Newton, Parrett, Prosser, Ritter, Scott, Sherman, Smith of Miami, Smith of Perry, Stanley, Tebbs, Treadway, Watterman, Whetzel, Wildman and Mr. Speaker—47.

So the report of the committee recommending the indefinite postponement of the bill was not concurred in.

The bill was then ordered to be engrossed.

## HOUSE BILLS ON SECOND READING.

No. 206. A bill to amend the thirty-sixth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor ;"

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Prosser obtained leave and offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of enacting a law to make penal the sale of any medicine, instrument or appliance for the prevention of conception by women or procurement of abortion when pregnant, and also to make it penal to publish any card, advertisement, label or other paper whatever, indicating either directly or indirectly the purpose of preventing conception or procurement of abortion as aforesaid, and such inquiry should extend to all such advertisements as the following, to-wit :

## A CARD TO THE LADIES.

Dr. Duponco's Golden Periodical Pills for Females, infallible in correcting Irregularities, Relieving Painful and Distressing Menstruation, "particularly" at the change in Life, Removing Obstructions, from whatever cause, and always successful as a preventive.



These Pills are nothing new, but have been used by the Doctor for many years in his private practice, both in France and America, with unparalleled success in every case, and he is urged by many thousands of ladies, who have used them, to make the pills public for the alleviation of those suffering from any irregularities whatever, as well as a preventive to those ladies whose health will not permit an increase of family. Pregnant females, or those supposing themselves to be so, are cautioned against using these pills, as the proprietor assumes no responsibility after this admonition, although their mildness would prevent any injury to health; otherwise these pills are recommended. Directions accompany each box. Price \$1.

Sold wholesale and retail.

MOTHERSHEAD & COX, Druggists,  
No. 18 East Washington Street, Indianapolis,  
And WM. MOFFITT,  
146 East Washington Street, Indianapolis, Ind.,  
DAGGETT & CO., Druggists,  
Bates House, Illinois Street,  
Sole Agents for Marion county.

They will supply the trade at proprietor's prices, and furnish show cards and circulars. Ladies, by enclosing them \$1 through the Indianapolis Post Office, can have the above Pills sent to any part of the country (confidentially) by mail.

N.B.—Bear in mind *these Pills are not a secret nostrum*. Every Agent selling them is presented with the *formula* composing the Pills! They will tell you they are perfectly harmless, yet will prove all they are represented. Ask for Duponco's Golden Pills. See that the signature is on each box. You will then obtain a medicine you can depend upon.

And report by bill or otherwise.

Which was agreed to.

Mr. Edwards moved to reconsider the vote just taken ;

Which was agreed to.

Mr. Edwards moved to amend the resolution by striking out the the advertisement ;

Which was agreed to.

The resolution as amended was not agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House Senate enrolled act No. 170, an act to fix the time of holding the court of

common pleas in the county of Marion, prescribing the length of the terms thereof, and repeal all laws in conflict therewith;  
For the signature of the Speaker thereof.

#### HOUSE BILLS ON SECOND READING.

House bill No. 207. A bill to provide for the empannelling of jurors in civil and criminal cases, in the circuit and common pleas courts, and repealing all laws conflicting therewith;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 208. A bill to provide for the case of removal from office, death, resignation or inability, both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 209. A bill to amend the thirty-eighth section of an act entitled "an act defining felons, and prescribing punishment therefor;" approved June 10, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 212. A bill prescribing a part of the duties of county auditors and treasurers, township clerks and supervisors of roads, in relation to road tax, and to provide a penalty for any failure on the part of said officers to discharge their duties as required in this act;

Was read a second time, and

On motion,

Referred to a select committee of five.

The Speaker appointed Messrs. Waterman, Thompson of Madison, Martin, Jefferis and Sherman said committee.

No. 215. A bill to provide for locating and working highways situated upon county lines;

Was read a second time, and,

On motion by Mr. Fordyce,

Was referred to a select committee of three, consisting of Messrs. Fordyce, Harney and Comstock.

No. 213. A bill to amend the twenty-third section of an act entitled "an act to provide for the valuation and assessment of the

real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State;"

Which was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

No. 214. A bill to amend section four hundred and forty-one of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, so as to compel the sheriff having an execution issued on a judgment less than one hundred dollars, exclusive of accruing interest and cost, to levy the same on real estate designated by the judgment debtor;

Was read a second time and ordered to be engrossed.

Bill No. 211. A bill to amend the second, third, fourth, seventh, eighth and ninth sections of an act entitled "an act regulating the fees of officers and repealing former acts in relation thereto."

Was taken up.

Mr. Brotherton moved to suspend the rule and read the bill by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Blythe, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hartley, Jeffers, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Mellett, Merrifield, Murray, Martin, Nebeker of Warren, Newton, Parks, Prosser, Ritter, Robinson, Row, Ryerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Johnston, Stanfield, Stiles, Usrey and Wheeler—5.

So the rule was suspended and the bill read a second time by its title.



The bill was then referred to the committee on fees and salaries.

No. 217. A bill in relation to the levy of an execution or attachment on partnership property for the individual debt of one partner.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 218. A bill to fix the time for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and repeal all other laws or parts of laws inconsistent with this act.

Was read a second time, and

On motion,

Was referred to the committee on the organization of courts.

No. 219. A bill for the relief of Ira O. Dibble.

Was read a second time, and

On motion,

Referred to the committee on swamp lands.

No. 220. A bill to amend the title and section one of an act entitled "an act to vest certain rights in married women whose husbands have left the State without making suitable provisions for their maintainance, or whose husbands are confined in the State Prison," approved March 4, 1857.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 221. A bill fixing the time for holding the circuit courts in the twelfth judicial circuit, regulating the terms thereof, and repealing all laws inconsistent herewith.

Was read a second time and ordered to be engrossed.

No. 222. A bill to amend section forty-two of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof

Was read a second time, and

On motion,

Referred to the committee on the organization of courts.

No. 223. A bill to amend section one of an act entitled "an act to provide for the selection and empanneling of petit jurors in the courts of common pleas, and providing compensation therefor," being supplemental to an act entitled "an act prescri-

bing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852, approved March 1, 1853, so as to prescribe the time when said jurors shall be empanneled.

Was read a second time, and

On motion,

Referred to the committee on the organization of courts.

No. 224. A bill to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed.

Was read a second time.

Mr. Murray moved to refer the bill to a select committee of five with Mr. Wildman as Chairman.

Which was agreed to.

The Speaker appointed Messrs. Wildman, Waterman, Murray, Wheeler and Clark said committee.

No. 225. A bill to amend the ninety-fourth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State."

Which was read a second time and ordered to be engrossed.

No. 226. A bill to amend section eight of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 227. A bill to amend an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares, and grounds or any part thereof, the making out and recording of plats of such towns, and providing for the changing of the names of such towns," approved May 20, 1852.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 216. A bill to prohibit intermarriage of consanguinity;

Was read a second time, and

On motion,

Referred to a select committee of five.

The Speaker appointed Messrs. Kempf, Mellett, Dobbins, Sullivan and Shields said committee.

No. 228. A bill to provide for the collection of the surplus revenue fund belonging to the counties of Dekalb, Lake and Wells, on loan at the State Treasury, and for the payment of said fund over to the treasurers of said counties.

Was read a second time

Mr. Waterman moved to refer the bill to a select committee of three.

The Speaker appointed Messrs. Waterman, Griffin and Shull said committee.

No. 229. A bill to amend the seventy-sixth section of an act entitled "~~an act defining misdemeanors~~ and prescribing punishments therefor," approved June 14, 1852.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of this State.

No. 230. A bill to amend section 113 of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

No. 231. A bill prescribing the duties of parties commencing prosecuting or defending suits of action in the circuit and common pleas courts of this State.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 232. A bill to amend the tenth section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.



No. 233. A bill to amend the third section of an act entitled "an act providing for the election and prescribing certain duties of county surveyors," approved June 17, 1852.

Was read a second time, and ordered to be engrossed.

No. 235. A bill to amend the sixth section of an act entitled "an act in relation to county auditors," approved May 31, 1852, and to add an additional section thereto, authorizing the county auditors to use the seal of the county commissioners for certain purposes.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 234. A bill to provide for taking appeals from the decisions of officers having charge of common schools or school funds, in relation to said schools or funds, to the proper county auditor, and to provide for the repeal of all laws coming in conflict with this act.

Was read a second time, and

On motion,

Referred to the committee on education.

No. 236. A bill fixing the time for holding the common pleas courts in the counties of Warren, Benton and Jasper, regulating the terms thereof, and repealing all laws inconsistent therewith.

Was read a second time.

Mr. Nebeker of Warren moved to refer the bill to a select committee of three.

The Speaker appointed Messrs. Nebeker of Warren, Snyder and Turpie said committee.

No. 237. A bill to amend an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.

Which was read a second time, and

On motion,

Referred to the committee on the organization of courts.

No. 239. A bill requiring jury cases to be tried first in the courts of this State, and requiring that the regular pannel be discharged as soon as such jury cases are disposed of, and to provide for the summoning of juries from the bystanders in certain cases.

Was read a second time.

Mr. Griffin moved to refer the bill to the committee on the judiciary, with the following instructions:

To inquire into the expediency of so amending so as to prevent any person from sitting on the jury more than once at any term of court, unless he is one of the regular panel;

Which was agreed to.

No. 240. A bill to amend the 13th section of an act entitled "an act providing for the election and qualification of justice of the peace, and defining their jurisdiction, powers and duties in civil cases ;"

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 241. A bill to amend the 97th section of an act entitled "an act to revise simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

#### SENATE BILLS ON SECOND READING.

No. 102. A bill to amend the third section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.

Was read a second time.

Mr. Martin moved to refer the bill to a select committee of one from each congressional district.

Mr. Clements offered the following amendment:

Amend the motion to refer by referring to a committee of one from each judicial circuit, with instructions to make twenty-two out of the forty-four districts of the State, and increase the judges' salaries.

Mr. Hamilton of Boone moved to amend by striking out the words "twenty-two" and inserting "twenty ;"

Which was agreed to.

The amendment as amended was then adopted.

The question being on the motion to refer with instructions;  
It was agreed to.

Mr. Thompson of Madison offered the following additional instructions:

Amend by making the counties of Shelby, Hancock and Madison a district;

Which was not agreed to.

Mr. Prosser offered the following additional instructions:

Amend by making the counties of Greene and Owen a district; Clay and Sullivan a district; Vigo a district, and Monroe, Brown and Morgan a district.

Mr. Dougherty moved to lay the instructions on the table;  
Which was agreed to.

The Speaker laid before the House the following communication, viz:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, February 8, 1859. }

HON. JONATHAN W. GORDON,

*Speaker of the House of Representatives:*

SIR:—In compliance with the House resolution of the 3d inst., I have the honor to transmit herewith statements of accounts audited in favor of the Secretary of State, and his predecessors, and also the amounts audited on account of selection of swamp lands.

I am, sir, very respectfully, your obedient servant,

JOHN W. DODD,

*Auditor of State.*

*Account of Money drawn out by C. L. Dnnham, Secretary of State.*

Date.	On what Account.	Amount.
1858.		
November 12,	Attesting certificates swamp lands,	\$20 00
November 24,	Issuing and recording patents and attesting certificates.....	183 00
December 20,	Postage .....	30 00
1859.		
January 4,	Postage .....	2 03
January 31,	Distributing and superintending laws extra session .....	250 00
January 31,	To salary .....	200 00
January 31,	Patents and certificates official char- acter .....	458 50
	Total .....	\$1,143 53



*Amount paid to Daniel McClure, late Secretary of State.*

Date.	On what Account.	Amount.
1857.		
January 29,	Postage qr. ending March 31, 1857	\$25 00
February 3,	Issuing and recording patents . . .	317 00
March 11,	Postage qr. ending June 30 . . . . .	35 00
March 13,	Attesting certificates . . . . .	118 00
July 2,	Issuing and recording patents N. W.	670 00
July 2,	Half year's salary to July 30 . . . . .	400 00
July 3,	Issuing patents N. & W. N. & E. S. & W . . . . .	181 00
July 15,	Superintending printing, distribut- ing laws . . . . .	250 00
September 26,	Sunday express charges paid by him, &c. . . . .	140 68
November 4,	Postage . . . . .	50 00
November 5,	Issuing patens and attaching seal to Reynold's selections . . . . .	1,295 50
1858.		
January 2,	Half year's salary ending January 15, 1858 . . . . .	400 00
February 20.	Postage to April 30, 1858 . . . . .	35 00
May 6,	Postage to June 30, and arrearage,	47 00
June 26,	Express charges, &c., distribution of laws . . . . .	315 05
June 28,	Half year's salary, ending July 15, 1858 . . . . .	400 00
June 14,	Issuing Requisitions . . . . .	6 00
October 2,	Attesting certificates . . . . .	320 00
October 18,	Qr. salary to Oct. 15 . . . . .	200 00
November 12,	Salary to Oct. 31, date of resignation	33 38
November 18,	Recording patents swamp lands . . .	2,135 50
1859,		
January 19,	Affixing seals to certificates . . . . .	142 00
	Total . . . . .	\$14,234 06

*Amount paid out and to whom for selecting Swamp Lands.*

Date.	To whom paid.	Amount.
1855.		
January 15,	A. B. Condit, selecting in Jasper co,	\$144 00
1857.		
January 13,	Benj. Reynolds, selecting swamp lands .....	802 50
April 21,	Benj. Reynolds, procuring evidence and character of swamp lands..	1,308 00
April 21,	Benj. Reynolds, for selecting lands in lieu for lands returned by warrants .....	300 00
1858.		
January 14,	Benj. Reynolds, selecting swamp lands .....	2,872 00
July 13,	Benj. Reynolds, selecting and proving up lands previously sold....	906 00
July 13,	Benj. Reynolds, selecting and proving up lands previously sold....	755 00
July 13,	George W. Spitler, selecting and proving up lands previously sold,	705 00
October 30,	Benj. Reynolds, selecting and proving up lands .....	1,260 00
	Total .....	\$9,052 40

On motion,

The communication was referred to the committee on swamp lands.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate insists to their disagreement to House amendment to House bill No. 12, "a bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency;" and that Messrs. Heffren, Tarkington and Kinly were appointed as a committee of free conference on the part of the Senate, to act with a like committee on the part of the House.

Mr. Stanfield moved that a similar committee of free conference be appointed on the part of the House;

Which was agreed to.

The Speaker appointed Messrs. Stanfield, Martin and Blythe said committee of conference on behalf of the House.

#### HOUSE BILLS ON THIRD READING.

No. 5. A bill incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporate name of the township, town, or city, in which the same is situate; authorizing public school-houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and the trustees of an incorporate town to levy all taxes for schools, and the buildings and repairs of school-houses, and to repeal all laws inconsistent with this act.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Collier, Comstock, Davisson, Davis, Dougherty, Durham, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Harrison, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Smith of Miami, Snyder, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Whetzel, Whiteman, Wildman, Wood Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Baird, Claypool, Colgrove, Dobbins, Hamilton of Boone, Hartley, Jefferis, Johnston, Jordan, McLain and Waterman—11.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Colgrove,

The House adjourned until to-morrow morning, 9 o'clock.



THURSDAY MORNING, 9 o'clock, }  
February 10, 1859. }

The House met.

On motion by Mr. Nebeker of Warren,  
The reading of the journal was dispensed with.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Nebeker of Warren, made the following report from the committee on rights and privileges of the inhabitants of this State, viz:

MR. SPEAKER:

The committee on rights and privileges, to whom was referred the petition of David P. Holloway and others, asking the Legislature to grant to women the same right in property that are now enjoyed by men, and also, that the necessary steps may be taken to extend to women the rights of suffrage, have had the same under consideration, and have directed me to report as the opinion of a majority of the committee, that it would be inexpedient to legislate on the subject;

Which was concurred in.

Mr. Murray obtained leave and offered the following resolution:

*Resolved*, That the committee on corporations be instructed to inquire into the expediency of requiring all insurance companies doing business within this State, whether home or foreign, to make to the Auditor of State sworn semi annual statements of the condition of their assets and liabilities, and report by bill or otherwise;

Which was agreed to.

Mr. Thompson of Madison, obtained leave and offered the following resolution:

*Resolved*, That the following members be added to the special committee on bill No. 199: Messrs Firestone, Shull, Kelly, Wheeler and McLain;

Which was agreed to.

Mr. Gifford obtained leave and introduced the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire whether supervisors of highways are required to include persons of color, in making out a list of persons liable to work on the highways, and to report at an early day to this House.

Which was agreed to.

Mr. Griffin, from the committee on rights and privileges, made the following report:

MR. SPEAKER:

The committee on rights and privileges, to whom was referred House bill No. 136, entitled a bill for the protection of side-walks in towns and villages, and for the protection of shade trees planted along the same, have had the same under consideration, and instruct me to report the same back with the following amendment, and after it is so amended recommend its passage:

Amend by striking out all after the enacting clause and insert the following:

“It shall be unlawful for any person to ride or drive upon the brick, stone, plank or gravel side-walk of any town or village in this State when the street is forty feet or over in width, unless in the necessary act of crossing the same.

Section 2. It shall be unlawful for any person to remove, destroy or cut any shade tree, or carry off or remove or in any wise injure the protecting box of any shade tree in any town or village of this State, but this act shall in no wise be so construed so as to prevent any owner of grounds from making any necessary alteration in side-walks or trees on the same.

Section 3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding three dollars:

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Sullivan, under the suspension of the order of business, moved to reconsider the vote by which House bill No. 147 was indefinitely postponed;

Which was agreed to.

The question then being on concurring in the report of the committee and indefinitely postponing House bill No. 147;

It was not concurred in.

Mr. Cotton moved to refer said bill to a select committee of five;

Which was agreed to.

Messrs. Cotton, Sullivan, Branham, Griffin and Hunter were appointed said committee.

Mr. Hamilton of Boone, obtained leave and introduced

House bill No. 242. A bill regulating the fees and salaries of certain offices therein named, fixing their compensation for certain duties imposed upon them by law, and repealing former acts and laws in relation thereto;

Which was read a first time and passed to a second reading.

Mr. Jones obtained leave and introduced the following resolution:

*Resolved*, That the committee on ways and means be requested to inquire into the expediency of creating a new State officer, to be called commissioner of immigration, to make known the natural advantages of the State, to invite immigration and point out the best localities to each class of new comers, and help to promote their welfare.

Which was agreed to.

Mr. Johnston obtained leave and introduced the following preamble and resolution:

WHEREAS, In the opinion of this General Assembly it is unwise and impolitic to continue the laws now in force governing the benevolent institutions of this State.

*Resolved*, That the committee on benevolent institutions be instructed to inquire into the expediency of consolidating the three several boards of trustees into one board, and the number not to exceed —, and to be selected from the county of Marion, and to report by bill or otherwise as soon as practicable.

Which was not agreed to.

Mr. Mellett, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House bill No. 92, a bill to amend the 18th section of



chapter 110 of the second volume of the Revised Statutes of 1852 entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, have had the same under consideration, and have directed me to report the same back to the House and recommend that the same be laid on the table;

Which was concurred in.

Mr. Mellett, from the committee on county and township business, made the following report:

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 230, a bill to amend section 143 of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county auditors and treasurers, and of the Treasurer and Auditor of State," approved June 21, 1852, have had the same under consideration, and deeming legislation upon the subject inexpedient, have directed me to report the same back to the House and recommend that it be laid upon the table;

Which was concurred in, and the bill laid on the table.

Mr. Whetzel, from the same committee, made the following report:

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 227, a bill to amend an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the changing of the names of such towns," approved May 20, 1852, have had the same under consideration, and instructed me to report the same back to the House and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Whetzel, from the same committee, made the following report:

MR. SPEAKER :

The committee to whom House bill No. 98 was referred, have had the same under consideration and have directed me to report the same back to the House and recommend that the same be referred to the committee on the judiciary.

Which was concurred in.

Mr. Martin, from the same committee, made the following report:

MR. SPEAKER:

The committee on county and township business to whom was referred House bill No. 116, entitled "an act for the more uniform mode of doing township business," and to repeal "an act for the more uniform mode of doing township business," approved May 6, 1852, have had the same under consideration and directed me to report the same back to the House and recommend that it be laid on the table, inasmuch as the committee have heretofore reported a bill which is still pending before the House, embracing most of the matters contained in bill No. 116.

Which was concurred in.

Mr. Martin, from the same committee, made the following report:

MR. SPEAKER:

The committee on county and township business to whom was referred House bill No. 115, entitled "a bill to repeal an act for the more uniform mode of doing township business, approved May 6, 1852, saving all proceedings and claims now pending before the township trustees, and transferring the same to the board of commissioners in the various counties where pending, and providing for the disposition thereof," have had the same under consideration and direct me to report the same back to the House and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Rynerson, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture to whom was referred a petition of sundry citizens of Indiana praying the establishment of an agricultural college, have considered the same and have directed me to submit the following report:

Your committee fully concur with the petitioners in the importance which they attach to agricultural education.

Science is the classification of facts and their application to any object or department of nature or art. It is conceded by all that eminent success in any direction must depend upon a familiar knowledge of the facts and laws which obtain in the premises. Men become eminent in the law by thorough mental discipline,



and the treasuring of knowledge in the store-house of the mind. So with medicine, divinity, and other learned professions. Mental labor, the comparing of thought with thought, the intense purification of opinions in the crucible of investigation make their votaries the ornaments of thought.

Yet the great business of agriculture is left to "drag its slow length along," with but few of the aids of science being brought to its assistance. The art of agriculture, upon which depend the life of man and the glory of nations, is unfostered by legislation, and measurably unlightened by the burning ray of science. In order to elevate a state to its highest point of civil and social eminence, it is essential that her agriculture be placed on a most elevated basis. The agriculturist is *the* man of the country. *His muscles, his bones, his hands, his sweat, make the bread you eat.* Upon his shoulders rest the corners of the world. He is the representative in Indiana of nine-tenths of the fixed capital of the State. The number of this class, its importance, its intrinsic merits and power entitle it to every facility for education suited to its demands. And vast as this interest is, it is daily increasing. Immigration to our soil, the natural increase of our population, the great demands for our products at home and abroad, all demand that our agriculture should receive the attention of our greatest minds.

Another argument for a department of learning of this character is the ready facilities which the advanced state of the sciences offer to the student. Chemistry, as it may be applied in the analysis of soils—its sphere in determining the organic and inorganic elements of the same—its aid in explaining the laws of vegetable life, are, in its highest mission, waiting to do the bidding of the teacher in agricultural science.

Your committee can see no season why institutions should be fostered by the legislature for educating men for the law, medicine, &c., while the State is utterly indifferent upon the subject of placing agriculture upon its true basis.

The farmer is taxed to support the government, construct improvements, maintain benevolent and educational institutions. Yet, as a calling, he must not even ask for means of learning, which will place him on an equality with other professions. The privilege secured to him is to *dig* and *pay* taxes.

We would with pleasure pursue this question at greater length, but the object of our report will not justify it.

In view of the crippled finances of the State your committee do not recommend the establishment of an agricultural college at this time. It will be seen, by reference to section 26th of an act approved June 17th, 1852, that the board of trustees for the State University are required to establish an agricultural department in such University. If this requirement be carried out in good faith, it will meet the wants of the public on this subject at present. Yet in view of the donations which it is contemplated that Congress



will make to the States at an early day for the purposes of agricultural education, and in view of private donations that may be made for the same object, your committee herein express the wish that in the establishment of an agricultural department of the State University by its board of trustees, they may have reference in its location and plan of buildings to its separate and independent management, when the means referred to are available for its distinct maintenance.

All of which is respectfully submitted.

Mr. Rynerson, from the same committee, made the following report:

MR. SPEAKER:

The committee on agriculture to whom was referred House bill No. 100, "a bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana," have considered the same and direct me to make the following report:

We concur in the general objects of said bill, but that it may receive a more careful consideration, we recommend its reference to the joint select committee of the two Houses for the consideration of a geological survey of the State.

Which was concurred in.

Mr. Ritter, from the committee on public expenditures, made the following report:

MR. SPEAKER:

The committee on public expenditures to whom was referred House bill No. 174, an act to cause an enumeration to be made of all the white male inhabitants over the age of twenty one years in the State of Indiana in the year 1859, to prescribe the powers and duties of the officers in taking such enumeration, &c., have had the same under consideration, and would report that, notwithstanding such enumeration would cost much less if taken in the year 1860, and for the practical purposes intended to be obtained by such enumeration, would be more accurate, they have considered the constitutional requirement imperative, and would therefore report the same back and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Keefer, from a select committee, made the following report a

MR. SPEAKER:

The select committee to whom was referred House bill No. 108,

an act to prevent the gathering of cranberries from any of the public, State and non-resident lands of this State, and providing penalties therefor, have had the same under consideration and instructed me to report back the amendment of the committee on rights and privileges, and after striking out the first and inserting the fifteenth in the sixth line, recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Sullivan, from a select committee, made the following majority report :

MR. SPEAKER :

The select committee to which was referred House bill No. 87, a bill to amend section five, six, eleven and eighteen, and to repeal section eight of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, direct me to report the same back with the following amendments, and when so amended recommend its passage.

Amend section third so as to read "give bond in double the amount he receives, to be approved of by the county auditor."

Section fourth be amended to read : "the county auditor may appoint such trustee, if a vacancy occurs between the regular terms of the county commissioners' court."

Sec. 5. Strike out all that portion that relates to the trustee, designating the place of holding elections.

Section seven be amended so as to read : "and shall perform all other duties that are now required by law of the township trustees, clerk and treasurer, and shall require of each supervisor to take an oath and so on."

Strike out all of section ten.

Amend section eleven so as to read : "The trustee shall annually, in the month of February, settle with each of the supervisors of roads of his township, and shall keep a full record of all his official acts in a book kept for that purpose, and at the annual March term of the board of county commissioners make a full settlement in detail of all his official acts and proceedings, and swear to the same as being correct.

Strike out all of section twelve.

Amend section thirteen so as to read : "The township trustees now in office shall pay over to the township treasurer elected under this act all moneys and effects in his hands, belonging to his township as provided by law."

Mr. Johnston, from the same committee, made the following minority report .



MR. SPEAKER:

The select committee, to whom was referred House bill No. 87 and substitutes, have had the same under consideration, and ask leave to make the following report:

*First*—We dissent from the majority of the committee from the fact that it creates an entire new system, and before the system could be understood as well as the present one, would most likely be changed.

*Second*—That making the county treasurer the treasurer for each and all districts would be inconvenient and expensive, and would not meet with the wishes of the people asking the change.

*Third*—That the levying taxes required to be assessed by law in the townships by one man, would at least be of doubtful policy, and the ends of justice not as likely to be subserved as the present mode.

*Fourth*—That in building school-houses, purchasing sites, and locating the same, and making the proper distribution of the school funds to the several districts, and an entire change with road law, so far as laying out new roads and vacating the same would meet with the same objection as urged in the third objection to this substitute as recommended by the majority committee.

*Fifth*—That the election of a trustee yearly would be bad policy; he could not make himself acquainted with the duties of his office, until he would have to be reelected, and the probability is, you would keep changing, until you would have to change the whole system. Not so with the three trustee system; one of them is elected to hold his office for one year, one for two years, and one for three years, and one each year thereafter, to hold his office for three years, that will always give the advantage of an experienced board. And whereas by the amendments recommended in the original bill in the present law, by dispensing with two officers and limiting the sessions quarterly, would, in the opinion of the minority committee, be less expensive, taking all things into consideration, than the substitute recommended by the majority committee, and we would therefore respectfully recommend the passage of the bill.

S. H. JOHNSTON.

Mr. Keefer moved to make both reports and bill No. 87 the special order of the day for to-morrow at ten o'clock, A. M.;  
Which was agreed to.

Mr. Waterman, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No.



228, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Jones, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 9, entitled "a bill to establish the independent treasury of the State of Indiana, to provide for the safe-keeping and disbursement of the public money of the State, and of the several counties thereof; creating the office of Comptroller of the treasury, and prescribing the manner of his election, defining his duties and fixing his compensation; defining the duties of the Treasurer of State, Auditor of State, and other State officers; for the examination of the State and county treasuries, and providing for the punishment of the crime of embezzlement of public moneys, and fixing other penalties for violations of the provisions of this act," have had the same under consideration, and a majority have directed me to report the same back to the House, with the following amendment, and when so amended recommend its passage:

Amend by inserting, as an additional section, to follow section eighteen, the following:

Section 19. No county treasurer shall endorse upon any county order, as now required by law, the words "not paid for want of funds," unless the board of county commissioners and the county auditor shall have first examined into the condition of the county treasury, and have satisfied themselves that there is no money therein to redeem all outstanding county orders. Such examination shall be immediately made upon notice given to said board of commissioners and the county auditor by the county treasurer.

Mr. Griffin moved to make the report and bill the special order at 10 o'clock this day;

Which was agreed to.

Mr. Mansfield, by consent, moved that bill No. 107 be made the special order at 2 o'clock this day;

Which was agreed to.

Mr. Prosser, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 37,  
H. J.—31.

have had the same under consideration, and have unanimously instructed me to report the same back to the House, and recommend its passage ;

Which was concurred in, and the bill ordered to be engrossed.

Mr. Dobbins obtained leave and introduced the following resolution :

*Resolved*, That the committee of ways and means be instructed to report to this House immediately, the number and names of clerks employed by them, the time each clerk has served said committee, and the sum to be paid each per day.

Which was agreed to.

Mr. Dougherty obtained leave and offered the following resolution :

*Resolved*, That two thousand copies of the report of the Superintendent of Public Instruction be printed in the German language, two-thirds of the number being for the use of the House, and the remainder for the use of the Senate.

Which was agreed to.

Mr. Carr obtained leave and offered the following resolution :

*Resolved*, That the committee on education be instructed to inquire in the constitutionality and expediency of retaining the school funds in the counties in which the same may have been collected for distribution therein; and that they report by bill or otherwise.

Which was agreed to.

Mr. Blythe, from the committee on the organization of courts of justice, obtained leave and made the following report :

**MR. SPEAKER :**

The committee to whom was referred House bill No. 210, providing for the creation of the fifteenth judicial circuit, direct me to report the same back with the following amendments :

Amend section second by inserting in the second line, after the word "to-wit," as follows :

In the county of Crawford, on the second Mondays of February and August in each year.



And after the word "Perry," in the third line, strike out and insert the following: "On the Monday succeeding the courts in the county of Perry."

Amend section one by striking out the word "Gibson" and insert the word "Crawford;"

And when so amended recommend its passage.

The report was concurred in and the amendments adopted.

The bill was then ordered to be engrossed.

Mr. Blythe obtained leave and made the following report from a select committee:

MR. SPEAKER:

The committee to whom was referred House bill No. 1, providing for calling a convention to amend the Constitution, &c., have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended the committee recommend its passage:

*First.* Strike out the word "April" where it occurs in the bill and insert the word "October."

*Second.* Strike out section 9 and insert the following:

"Section 9. Said convention shall consist of one hundred delegates who shall be, and are hereby apportioned among the several counties of the State as the members of the House of Representatives of the present General Assembly are apportioned. Said delegates shall be elected in the same manner as the members of the General Assembly, and the election of said delegates shall be returned and certified in the same manner as required by law for electing members of the General Assembly.

*Third.* Strike out in the 8th section the words "on the second Tuesday of October next," and insert the words "on the first Monday of April, A. D. 1860."

*Fourth.* Strike out in the 12th section the words "second Tuesday in November, 1859," and insert the following: "the second Tuesday of May, A. D. 1860."

The report was concurred in, and the bill as amended ordered to be engrossed.

Mr. Nebeker of Warren, from the committee on rights and privileges, obtained leave and made the following majority report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 198, entitled an act to prohibit the owner or owners, or those having the manage-



ment of certain stock, from allowing the same to run at large, and prescribing penalties therefor, have had the same under consideration, and directed me to report it back with the opinion of a majority of said committee that legislation on that subject is inexpedient, as the object sought to be obtained by said bill are now better provided for by an act to be found on page 103, volume first of the Revised Statutes of 1852.

Mr. Griffin, from the same committee, obtained leave and made the following minority report:

**MR. SPEAKER:**

The undersigned, a minority of the committee on rights and privileges, to whom was referred House bill No. 198, entitled a bill to prohibit the owner or owners, or those having the management of certain stocks, from allowing the same to run at large, and prescribing penalties therefor, have had the same under consideration, and for various reasons recommend that the bill pass.

Pending the consideration of the foregoing report, the hour having arrived the House proceeded to consider the

#### SPECIAL ORDER OF THE DAY.

House bill No. 9, and accompanying report from the select committee, also,

House bill No. 192. A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State, also,

House bill No. 193. A bill relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries, also,

House bill No. 194. A bill to provide for the election and duties of a Comptroller of State, also,

House bill No. 195. A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public money of the State and the several counties, and for the safe keeping of public money.

The question being on concurring in the report of the select committee on House bill No. 9;

It was not concurred in.

The question being on ordering No. 9 to be engrossed.

Mr. Murray moved the following amendment:

Amend by striking out all that relates to the creation of the office of comptroller.

Mr. Gordon moved to lay the bill and pending amendment on the table.

Messrs. Gordon and Dougherty demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Colgrove, Comstock, Cotton, Durham, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hartley, Hunter, Jefferis, Johnston, Kelly, Major, Mansfield, Mellet, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Blythe, Carr, Clements, Collier, Dobbins, Dougherty, Early, Firestone, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Murray, Nelson, Newton, Prosser, Shields, Shockley, Snyder, Stanley, Sullivan, Summers, Thompson of Madison, Wheeler and Wood—32.

So the motion prevailed.

The House then proceeded to consider House bill No. 194.

Mr. Murray moved that the bill be indefinitely postponed.

The ayes and noes being demanded by Messrs. Gordon and Murray.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Carr, Clark, Claypool, Clayton, Collier, Davis, Dougherty, Durham, Edwards, Firestone, Hartley, Hunter, Jones, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Martin, Nelson, Parks, Row, Stanley, Stanfield, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—39.

*Those who voted in the negative were,*

Messrs. Baird, Boxley, Branham, Brotherton, Cavins, Clements, Comstock, Cotton, Davisson, Dobbins, Devol, Early, Eastham, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Harrison, Jefferis, Johnston, Jordan, Kempf, Major, Mansfield, Mellett, Merrifield, Miller, Nebeker of Vermillion, Nebeker of Warren, Newton, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stiles, Sullivan, Tebbs, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—53.

So the bill was not indefinitely postponed.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House :

No. 23. An act to legalize the commission of L. B. Osborn, Esq., of Jackson county, and also to legalize his acts under it ;  
Without amendment.

A message from the Governor by Mr. Osbourne, Executive Messenger.

**MR. SPEAKER :**

I am directed by the Governor to inform the House that he has approved and signed the following bill :

Senate bill No 170. An act to fix the time of holding the court of common pleas in the county of Marion, prescribing the length of the terms thereof, and repealing all laws in conflict therewith.

The Speaker appointed the following committee of one from each Congressional District, under the resolution of Mr. Hamilton of Boone, adopted yesterday to appoint such a committee to submit to the House proposed amendments to the Constitution :

From the 1st district, Mr. Parrett,  
From the 2d district, Mr. Carr,  
From the 3d district, Mr. Boyd,  
From the 4th district, Mr. Gregory,  
From the 5th district, Mr. Colgrove,  
From the 6th district, Mr. Dougherty,  
From the 7th district, Mr. Martin,  
From the 8th district, Mr. Stiles,



From the 9th district, Mr. Stanfield,  
 From the 10th district, Mr. Harrison,  
 From the 11th district, Mr. Wildman.

On motion by Mr. Griffin,  
 The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Claypool obtained leave of absence from to-morrow morning until Monday next.

Mr. Turpie obtained leave and introduced House bill

No. 243. A bill to amend an act entitled "an act defining felonies and prescribing punishment therefor."

Which was read a first time and passed to a second reading.

Messrs. Prosser and Dobbins obtained leave of absence from to-morrow morning until Tuesday next. Also Mr. Knowlton until Monday next.

The hour having arrived the House proceeded to consider the

#### SPECIAL ORDER OF THE DAY.

House bill No. 107. A bill to provide that the amount of sinking fund on loan or on hand shall be considered the principal of said fund, and for the payment of interest on the bank bonds, and expenses, out of the interest on said fund, and for appropriating the balance to the support of common schools, and repealing all laws contravening with the provisions of this act.

Was read a third time.

Mr. Colgrove moved to suspend the further consideration of the bill until Tuesday next at ten o'clock, A. M.

Which was agreed to.

The Speaker laid before the House the following communication from the President of the Board of Trustees of the Vincennes University:

TO HON. J. W. GORDON,

*Speaker of the House of Representatives:*

I beg leave to submit to the Legislature the following report of the state and condition of the Vincennes University, in obedience to the charter.

We have purchased an eligible lot upon which is erected, of brick, a large and commodious building for the accommodation of pupils attending the grammar school, a preparatory department; have also purchased a lot near by, upon which is erected a convenient and neat school building for girls, agreeably to the thirteenth section of our charter, and are happy to say that we have done all this without infringing upon the capital funds.

These schools are in a flourishing condition, as the accompanying report of the Principal, Rev. R. M. Chapman, will more fully show.

All of which is respectfully submitted.

W. W. HITT,  
*President.*

Report of Rev. R. M. Chapman, Principal, &c., above alluded to:

VINCENNES, January 1, 1859.

*To the Board of Trustees of Vincennes University:*

In compliance with a resolution of the Board communicated to me by the Secretary, I submit the following report of the condition of the preparatory department of the University.

This department embraces three schools, a high school for boys, a female seminary and a primary school. These are instructed by five teachers, and the aggregate number of scholars is one hundred and fifteen, divided thus:

High school, two teachers, 45 scholars. Female Seminary one teacher, 28 scholars. Primary school, two teachers, 42 scholars. In the boys' school are taught the Latin and Greek languages, English grammar, natural science, algebra, geometry, surveying, arithmetic, geography, history, reading and elocution, writing and book-keeping. In addition, the German language is taught to a class by a gentleman who has no official position in the school.

In the Female Seminary the studies pursued at the present time are English grammar, history, natural philosophy, geography, astronomy and arithmetic, together with regular exercises in reading, writing, spelling and composition.

The branches taught in the primary school range from the alphabet up to the History of the United States. In this school children are prepared for admission into the higher schools.

This statement, though setting forth particularly the present

condition of the schools, may be taken for the average of the last year. There is an occasional variation from one department or another, but the aggregate does not vary much from that given above.

I am very respectfully, yours, &c.

R. M. CHAPMAN,  
*Principal.*

Mr. Shockley moved to suspend the order of business and take up Senate bill No. 181.

Which was agreed to.

No. 181. A bill to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court, and to fix the term of holding said court, and to require all parties, jurors, witnesses, and all others in interest, to take notice thereof.

Was read a second time.

Mr. Shockley moved to suspend the rule and read the bill a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavens, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hartley, Johnston, Jones, Jordan, Keifer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—83.

No one voting in the negative.

So the rule was suspended and the bill read a third time, and The question being, shall the bill pass?

*Those who voted in the affirmative were*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Clark, Clayton, Clements, Colgrove, Collier,



Comstock, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Harrison, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Melleit, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—87.

No one voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

#### ORDERS OF THE DAY.

##### *House bills on third reading.*

No. 59. A bill to extend to borrowers of the sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund, and other funds, time of payment of loans, and prescribing the duties of the proper officer in regard thereto.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Brianham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davis, Devol, Early, Eastham, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Harrison, Hartley, Johnston, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Clements, Dougherty, Durham, Jones, Jordan, Kelly and Knowlton—8.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 93. A bill to amend the sixth section and the third clause of the seventh section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boxley, Braham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Comstock, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hartley, Johnston, Jones, Jordan, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Melleit, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Prosser, Robinson, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel and Wood—75.

*Those who voted in the negative were*

Messrs. Ritter and Rynerson—2.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Massay moved to suspend the order of business, and take from the table House bill No. 77;

Which was agreed to.

No. 77. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and to repeal all laws conflicting therewith.

Mr. Ritter moved to recommit the bill to the committee on roads;

Which was agreed to.

No. 105. A bill to compel owners of town lots to grade and pave sidewalks, and fixing penalties therefor.

Was read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boxley, Brotherton, Clark, Claypool, Clayton, Clements, Dobbins, Early, Eastham, Firestone, Harrison, Harney, Hartley, Jones, Jordan, Kelly, Kempf, Lawhead, Major, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Prosser, Scott, Shields, Shockley, Smith of Miami, Smith of Perry, Stanfield, Summers, Thompson of Elkhart, Usrey and Wood—37.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Boyd, Branham, Cavins, Comstock, Cotton, Dougherty, Durham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Johnston, Lewis, Mansfield, Massey, Martin, Nebeker of Warren, Ritter, Row, Sherman, Stanley, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Treadway, Turpie, Waterman, Whetzel and Wildman—35.

So the bill failed for want of a constitutional majority.

The House resumed the consideration of House bill No. 105.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Bowman, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clements, Collier, Comstock, Davis, Dobbins, Early, Eastham, Firestone, Gregory, Harney, Harrison, Jones, Jordan, Kelly, Kempf, Lawhead, Mansfield, Massey, Mellett, Merrifield, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Scott, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Summers, Treadway and Usrey—47.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Cavins, Clayton, Cotton, Dougherty, Durham, Devol, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hartley, Johnston, Keefer, Lewis, McLain, Murray, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Stanley, Sullivan, Tebbs, Thompson of Elkhart, Turpie, Waterman, Wheeler, Whetzel, Wildman and Mr. Speaker—37.

So the bill did not pass for want of a constitutional majority.



No. 210. A bill to create the fifteenth judicial circuit.

Was read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Harney, Harrison, Hartley, Johnston, Jones, Kempf, Knowlton, Lawhead, Lewis, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Whetzel, Wildman, Wood and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Early, Hamilton of Boone, Jordan, Keefer, Kelly, Massey, Prosser, Sullivan, Summers and Tebbs—10.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Parrett moved to reconsider the vote just taken on the passage of House bill No. 210 ;

Which was not agreed to.

Mr. Murray moved to suspend the order of business, and take up message from the Senate containing Senate bill No. 193 ;

Which was agreed to.

Message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 193. A bill to regulate the barter and sale of spirituous and intoxicating liquors, and prescribing penalties for a violation of the same.

In which the concurrence of the House is respectfully requested

Senate bill No. 193, contained in the foregoing message, as read a first time, and passed to a second reading.

No. 169. A bill for the relief of the heirs at law of John Coran, deceased, and to vest in them certain real estate, which has escheated to the State.

Was read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Austin, Baird, Black, Boyd, Boxley, Branham, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Harrison, Hartley, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—80.

No one voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Sullivan moved that the House do now adjourn ;  
Which was not agreed to.

No. 142. A bill to authorize the boards of county commissioners of the several counties of this State to make such an allowance out of the county treasuries of their respective counties, as will indemnify the owners of property for loss sustained by the taking, carrying away or destruction of such property by any officer, by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 14, 1855, and to reimburse the officers named in said act, who in good faith have executed the provisions thereof, and been subject to loss thereby.

Was read a third time.

Mr. Hamilton of Boone moved that the bill be recommitted to the committee on county and township business, with instructions to strike out the first section.

Mr. Davis moved to lay the instructions on the table ;  
Which was agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Brotherton, Cavins, Clark, Clayton, Clements, Colgrove, Cotton, Davis, Dougherty, Durham, Early, Edwards, Fordyce, Gifford, Jones, Keeler, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Merrifield, Miller, Murray, Nelson, Newton, Parrett, Prosser, Row, Shockley, Smith of Perry, Stanley, Stanfield, Sullivan, Summers, Thompson of Madison, Usrey and Mr. Speaker—40.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Boxley, Branham, Collier, Comstock, Davisson, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Hartley, Jefferis, Johnston, Jordan, Kelly, McLain, Nebeker of Vermillion, Nebeker of Warren, Parks, Powers, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Tebbs, Thompson of Elkhart, Treadway, Turpie, Wheeler, Whetzel, Whiteman and Wood—37.

So the bill failed for want of a constitutional majority.

Mr. Griffin, from the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have examined engrossed bills of the House Nos. 156, 186, 143, 138, 158, 135, 134, 149, 183, 203, 225 and 58, and find the same correctly engrossed.

Mr. Brotherton, from the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bill of the House No. 23 with the engrossed copy thereof, and find the same correctly enrolled.

On motion by Mr. Durham,  
The House adjourned until to-morrow morning, 9 o'clock.



FRIDAY MORNING, 9 o'clock, }  
February 11, 1859. }

The House met.

On motion by Mr. Brotherton,  
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Firestone,

A petition signed by sundry citizens of several counties of the State, praying for the enactment of laws paying them money advanced in the prosecution of black legs,

Which was,

On motion by Mr. Firestone,  
Referred to the committee on claims.

By Mr. Clark,

A petition signed by sundry citizens of Steuben county, praying against the repeal of the law authorizing the formation of companies for the detection of horse thieves;

Which,

On motion,  
Was referred to the select committee to which that subject was referred.

By Mr. Stanley,

A petition by sundry citizens of the State praying for the enactment of a law remunerating them for money expended in the prosecution of felons;

Which was,

On motion,  
Referred to the committee on claims.

The Speaker laid before the House a claim in favor of John H. Ohr;

Which was,

On motion,  
Referred to the committee on claims.

By Mr. Usrey,

A petition from sundry citizens of Sullivan county, praying for the passage of a law assessing taxes against dogs ;

Which,

On motion,

Was referred to the committee on agriculture.

By Mr. Wildman,

A petition from sundry citizens of the State, praying for the enactment of a law remunerating them for money advanced in the prosecution of black legs ;

Which was,

On motion,

Referred to the committee on claims.

By Mr. Waterman,

A petition signed by Solomon Ackerman and others, in reference to a certain claim therein named ;

Which,

On motion,

Was referred to the committee on claims.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Stanfield, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 217, in relation to the levy of an execution or attachment on partnership property for individual debt of one partner, have had the same under consideration, and directed me to report the same back without amendment and recommend its passage ;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Stanfield, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 172, to repeal an act entitled "an act to provide for the restoration and preservation of the records of the supreme court," approved February 7, 1855, have had the same under consideration,

and directed me to report that no reasons have been submitted to the committee why this bill should pass, and that the committee have no knowledge of their own that would make it expedient to pass the bill, they therefore recommend that it be indefinitely postponed ;

The report was concurred in, and the bill indefinitely postponed.

Mr. Stanfield, from the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 160, to amend sections 44, 80, 152, 173, 199, 322, 517 and 638 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and recommend the following amendments thereto, and when so amended they recommend its passage:

Amend by adding the following :

Section 7. That section 80 of said act which reads as follows: "Where a writing purporting to have been executed by one of the parties is a foundation of, or referred to in any pleading, it may be read in evidence on the trial of the cause against such party without proving its execution, unless its execution be denied by affidavit before the commencement of the trial, or unless denied by a pleading under oath; the latter party, shall in all cases, have inspection of the instrument of writing before pleading," be amended so as to read as follows :

Where a writing purporting to have been executed by one of the parties is a foundation of, or referred to in any pleading, it may be read in evidence on the trial of the cause against such party without proving its execution, unless its execution be denied by affidavit before the commencement of the trial, or unless denied by a pleading under oath. The latter party shall in all cases have inspection of the instrument of writing before pleading. When an action is brought by a corporation it shall not be necessary for the corporation to prove its corporate existence, unless the defendant shall deny the same under oath.

And also the following :

Section 8. That the five hundred and seventeenth section of said act, which section reads as follows: "The clerk of every court of record shall keep an execution docket, in which he shall enter all executions as they are issued by him, specifying in proper



columns the names of the parties, the amount of the judgment, and the interest due at the issuing of the execution, and the costs, and prepare an additional column, in which he shall enter at length the return of the sheriff; and such docket entries shall be taken and deemed to be a record," be and the same is hereby amended to read as follows:

The clerk of every court of record shall keep an execution docket in which he shall enter all executions, as they are issued by him, specifying in proper columns the names of the parties, the amount of the judgment, the date of the judgment, and the costs; and prepare an additional column in which he shall enter at length the return of the sheriff; and such docket entries shall be taken and deemed to be a record;

The report was concurred in, and the bill as amended ordered to be engrossed.

Mr. Brotherton, from the committee on the organization of courts, made the following report:

MR. SPEAKER:

The committee on the organization of courts, to whom was referred House bill No. 91, a bill to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas certain cases therein named, have had the same under consideration, and have directed me to report the bill back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Stanfield, from the same committee, made the following report:

MR. SPEAKER;

The committee on the organization of courts, to which was referred House bill No. 237, to amend an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, have had the same under consideration, and the committee being of opinion that no legislation upon that subject is necessary, therefore recommend that the bill be indefinitely postponed;

The report was concurred in, and the bill indefinitely postponed.

Mr. Stanfield, from the same committee, made the following report:

MR. SPEAKER :

The committee on the organization of courts, to which was referred House bill No. 218, to fix the time for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and to repeal all other laws or parts of laws inconsistent with this act, have had the same under consideration, and recommend that the bill be struck out from the enacting clause and the following amendment be made thereto, and when so amended the committee recommend the passage of the bill :

That the court of common pleas shall sit in the county of Lagrange on the first Monday of February, May, August and November in each year, and shall sit two weeks at each term if the business require it, and in the county of Elkhart on the first Tuesday after the third Mondays in February, May, August and November in each year, and shall sit at each term while the business thereof shall require it. And all processes made returnable to any of the courts of common pleas in said counties at the times heretofore fixed for holding the sessions thereof, shall be and the same is hereby made returnable to the first day of the terms of said courts respectively as fixed by this act, and all laws inconsistent with this act are hereby repealed.

Section 2. That an emergency exists for the taking effect of this act by the first day of March, 1859, therefore this act shall take effect and be in force from and after the first day of March, 1859, and the Secretary of State is directed to transmit to the clerks of the Elkhart and Lagrange common pleas court a certified transcript of this act.

The report was concurred in, and the amendments adopted.

The bill was then ordered to be engrossed.

Mr. Nelson, from the committee on rights and privileges, made the following report :

MR. SPEAKER :

The committee, to whom was referred House bill No. 229, a bill to amend the 76th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved July 14, 1852, have had the same under consideration, and request me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Rynerson, from the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred a resolution instructing said committee to report a bill to amend the present law listing personal property, providing that when assessments of property are made each year, which takes place in the spring, that it be made the duty of each assessor to report to the proper county officers, the number of acres and bushels of wheat, corn, oats and barley so soon as harvested in his district for the preceding year, have considered the same and hereby submit the following bill for the consideration of the House:

No. 244. A bill to amend the 23d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time and passed to a second reading.

Mr. Treadway, from the committee on agriculture, made the following report:

MR. SPEAKER :

The committee on agriculture, to whom was referred a petition from many citizens of Whitley county, in regard to licensing stallions, have had the same under consideration, and instruct me to report that in their opinion legislation on that subject is unnecessary;

Which was not concurred in.

Mr. Mellett obtained leave and made the following report from the committee on the judiciary:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 175, entitled a bill to amend section 11 of an act entitled "an act to establish courts of common pleas, and defining their jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases, have had the same under consideration, and instruct me to report the same back to this House and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.



Mr. Stanfield obtained leave and made the following report from the committee on free conference, appointed yesterday.

MR. SPEAKER:

The committee on free conference to whom was referred House bill No. 12. "a bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency," and amendments thereto, have had the same under consideration and recommend that the following amendments be made to said bill, to-wit:

Insert after the word "whatever," in the third line of the first section, the following words: "Save and except that now authorized by law to be issued by the Bank of the State of Indiana, and her branches, and other banks incorporated under the general banking law of this State." Also strike out of said section the following words, to-wit: "Other than a banking institution authorized by law to issue such paper."

Also, amend the second section by striking out the article "a," where it occurs in the fourth line, and insert in lieu thereof the word "the," and add to the bill the following:

Section 7. The Bank of the State of Indiana and its branches, and the banks organized under the general banking law of this State, shall not, nor shall any officer or agent of such bank put into circulation any such fraudulent and void paper, or issue as that described in the first section of this act, and any such officer or agent, upon conviction thereof, shall be subject to the same penalties as are prescribed in the second section of this act.

And when so amended recommend that the House recede from its amendment to said bill.

Which was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No. 1, entitled "a bill to amend the 6, 7, 12, 14, 19 and 20 sections of "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852, and providing for opening decrees in the cases therein specified, and the time when this act shall take effect," have had the same under consideration and instruct me to report back to this House that inasmuch as this House has already passed a

bill on the same subject, therefore your committee would respectfully recommend that said bill be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Scott, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 155, entitled "an act providing for the taxation and collection of docket fees in all civil actions either in the circuit or common pleas court," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Scott from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 128, entitled "an act to regulate the practice of the supreme court in the construction and interpretation of bills of exceptions, set forth in transcripts," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Colgrove, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 189, entitled "a bill supplemental to an act entitled 'an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof,' approved May 14, 1852, have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Mellett, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No.

141, entitled "a bill to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Colgrove, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 159, entitled "an act to regulate the descent of the wife's personal property on her death," have had the same under consideration and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Baird, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 144, entitled "an act to authorize railroad companies to issue bonds, fix the rate of interest thereon, to sell or exchange the same, to secure the payment thereof, to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, to vest the title thereto in the purchaser or purchasers, to provide for a new stock, the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Turpie, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No. 131, entitled "a bill to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," ap-



proved June 18th, 1852, so as to authorize a change of venue in certain cases," have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

The report was concurred in, and the bill passed to a third reading.

Mr. Baird, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 157, "a bill securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings and the earnings of their minor children in certain cases," have had the same under consideration, and instructed me to make the following report thereon :

Said bill proposes to establish two distinct sovereignties in every family, making the wife co-equal in dignity and power with the husband, and thus to destroy the last vestage of the doctrine of the common law, which supposed a man and wife to be one. It goes so far as to prohibit a married man from selling, exchanging, or in any way parting with his personal property, without the consent of his wife first had and obtained : and in case he should have the temerity to dispose of the same, the wife may, in her own name, sue for and recover such property. The committee are not yet prepared to establish the right of woman upon so broad a basis, and therefore recommend that the same be indefinitely postponed.

Mr. Boyd moved to recommit the bill, with instructions to amend by confining its provisions to cases where the property has been set off under our exemption laws.

Messrs. Johnston and Wheeler obtained leave of absence until Monday next.

Pending the consideration of the motion to recommit bill No. 157 with instructions, the hour having arrived, the House proceeded to consider the

#### SPECIAL ORDER OF THE DAY.

House bill No. 87. A bill to amend sections five, six, eleven and eighteen, and to repeal section eight, of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, and accompanying reports.

Mr. Scott moved that the bill and report be laid on the table, and one hundred and fifty copies printed—one hundred copies for the use of the House, and fifty for the Senate ;

Which was not agreed to.

Mr. Harney moved to lay the amendments proposed by the select committee on the table ;

Which was agreed to.

Mr. Hamilton of Boone moved to reconsider the vote concurring in the report of the committee on county and township business on House bill No. 87.

Mr. Harrison moved to postpone the further consideration of the bill and pending motions until Wednesday next, at 2 o'clock, P. M., to be made the special order of the day at that hour ;

Which was agreed to.

A message from the Governor, by Mr. Osbourne, executive messenger.

**MR. SPEAKER :**

I am directed by the Governor to inform the House that he has approved and signed the following bill :

Senate bill No. 181. An act to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court, and to require all parties, jurors, witnesses, and all others in interest, to take notice thereof.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to bring to the House for the signature of the Speaker, enrolled

Senate bill No. 49. A bill fixing the time of holding courts in the fifth judicial circuit, and repealing all laws in conflict therewith.

Message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has concurred in the report of the committee on free conference on House bill No. 12: "A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency."

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I herewith return to the House enrolled act of the Senate No. 181, entitled "an act to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court, and to fix the time of holding said court, and to require all parties, jurors, witnesses, and all others in interest, to take notice thereof," for the signature of the Speaker of the House of Representatives.

Mr. Gifford, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have duly examined House bills Nos. 165, 167 and 173, and find the same correctly engrossed.

Mr. Parks, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills, to whom were referred engrossed bills of the House Nos. 152, 6, 221, 233 and 214, have compared them severally with the original bills, and find the same correctly engrossed.

On motion by Mr. Austin,  
The House adjourned until 2 o'clock P. M.

---

2 O'CLOCK, P. M.

The House met.

Mr. Davis, under the suspension of the order of business, moved to refer House bill No. 142 to a select committee of five, with the following instructions :



Add the following additional proviso to the first section :

*Provided, further,* That no allowance shall be made where the case has been bared by the statute of limitations, nor unless there is a clear liability on the part of the officer.

Also, insert the following additional section, viz :

Section 3. That whenever a proceeding for a writ of *habeas corpus* shall have been instituted by any person imprisoned under the provisions of the said act, directed to any officer detaining such person in custody, and such officer shall have been adjudged to pay the costs of such proceeding, and shall have paid the same, the said board of commissioners are hereby authorized and empowered to allow such officer the sum or sums of money he may have been compelled to pay as aforesaid.

Change section three to section four.

Which was agreed to.

The Speaker appointed Messrs. Davis, Edwards, Stanfield, Blythe and Fordyce said committee.

Mr. Parrett obtained leave and introduced House bill

No. 245. A bill to authorize deeds and mortgages heretofore acknowledged before county auditors, to be recorded, and authorizing the same and also the record thereof, to be read in evidence, making such record notice to third persons and making such conveyances valid.

Which was read a first time and passed to a second reading.

The hour having arrived the House proceeded to consider the

#### SPECIAL ORDER OF THE DAY.

No. 116. A joint resolution on the subject of the Wabash and Erie Canal.

Mr. Edwards moved to commit the joint resolution to the committee on claims with the following instructions :

*First,* To report against any act by which the Wabash and Erie Canal will be owned by the State, or any part of the debt for which it was surrendered be reassumed, or any appropriation out of the State Treasury be made to maintain said Canal.

*Second,* To inquire whether the Wabash and Erie Canal, or any part thereof, will probably be abandoned by the present owners, and in that case to report what legislation is necessary, if any, to protect those interests in the property along the line of the same, to keep the said Canal in navigable order without charge upon the State Treasury.

Mr. Robinson raised the point of order whether the action of the House indefinitely postponing the memorial on the subject of the Wabash and Erie Canal and the subject matter thereof, on February 3d, 1859, did not also carry the joint resolution under consideration, and in order to bring that point of order before the House for its action,

Mr. Blythe offered the following resolution :

*Resolved*, That it is the judgment of this House that the indefinite postponement of the Canal "Memorial," and the subject thereof, does not indefinitely postpone the resolution of the member from Elkhart, which is the special order for this day at 2 o'clock.

Messrs. Shields and Turpie demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Branham, Cavins, Clark, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Edwards, Firestone, Harney, Hartley, Lawhead, McLain, Mansfield, Massey, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parrett, Row, Scott, Sherman, Smith of Miami, Stanfield, Thompson of Elkhart, Whetzel and Whiteman—33.

*Those who voted in the negative were,*

Messrs. Black, Bowman, Boyd, Boxley, Brotherton, Carr, Clayton, Dobbins, Dougherty, Durham, Devol, Early, Eastham, For-dyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, Major, Mellett, Martin, Nelson, Newton, Robinson, Ryner-son, Shields, Shockley, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wildman, Wood and Mr. Speaker—49.

So the resolution was not adopted.

The Speaker then decided that under the action of the House joint resolution No. 16 was indefinitely postponed.

Mr. Miller, from the committee on canals, obtained leave and made the following report :

MR. SPEAKER :

Your committee on canals and internal improvements to whom was referred the petition and resolutions forwarded by sundry citizens of Vermillion county, have had the same under consideration

and would respectfully report the same back to the House with the recommendation that the memorial and resolutions be laid on the table.

Which was concurred in.

Mr. Miller, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

Your committee on canals and internal improvements to whom was referred that portion of the Governor's message relating to the Wabash and Erie Canal, have had the same under consideration and would respectfully report the same back to the House with the recommendation that, in their opinion, legislation on that subject is unnecessary.

Which was concurred in.

Mr. Colgrove obtained leave and introduced House bill

No. 246. A bill surrendering to the Wabash and Erie Canal all rights that the State has to redeem the Wabash and Erie Canal, and all right of reversion therein.

Which was read a first time.

Mr. Gordon moved to reconsider the vote refusing to adopt the resolution offered by Mr. Blythe.

Which was agreed to.

The question being on the adoption of the resolution?

Mr. Turpie moved to lay the resolution on the table.

Messrs. Turpie and Gifford demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Boyd, Brotherton, Carr, Clark, Clayton, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Harney, Harrison, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, Major, Mellett, Murray, Martin, Nelson, Newton, Parks, Parrett, Robinson, Row, Shields, Shockley, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wildman, Wood and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Blythe, Boxley, Branham, Cavins, Clements, Collier,



Comstock, Edwards, Firestone, Hamilton of Boone, Mansfield, Massey, Miller, Nebeker of Vermillion, Nebeker of Warren, Scott, Sherman and Whetzel—18.

So the motion prevailed.

The question being on passing House bill No. 246 to a second reading.

It was so ordered.

Mr. Hunter, from the committee on the State Prison, obtained leave and made the following report:

MR. SPEAKER:

The committee on the affairs of the State Prison to whom was referred so much of the Governor's message as relates thereto, in which he recommends the building of a new prison in the North ern portion of the State, have had the same, together with the af fairs of the prison, under consideration, and a majority have di rected me to make the following report:

Your committee, in considering the propriety of erecting a new prison or enlarging the old, were naturally led to inquire into the *cost* and *working* of the old prison for the purpose of ascer taining the cause of the vast expenditures that have been made for the benefit of the same, and if possible, devise some means by which the convict labor hereafter, may be made self supporting, and thereby prevent the continual drain upon the pockets of the peo ple to keep the same up.

The erection of the present prison was commenced in 1845, and there has been paid for work on same, up to December 15th, 1858, a period of thirteen years, the following sums, to-wit:

To Pratt & Co .....	\$32,009 66
To Samuel Patterson .....	56,879 20
To amount of rent worked out by Patterson .....	41,393 20
To D. W. Miller, the present Warden, for work not including repairs on burnt buildings .....	31,091 72
Making cost for erection .....	<u>\$161,374 03</u>

There has been paid during same time for use of pris on, other than for work, the following sums, to-wit:

March 6, 1855, to Samuel Patterson .....	\$2,522 70
January 17, 1857, to Samuel Patterson .....	6,108 67
Appropriations for the prison overdrawn as shown by Auditor's report for the year 1858 .....	89,376 03
Deduct therefrom, it being the amount realized out of the Patterson invoice, and which is included therein .....	18,450 75

And it leaves the sum of .....

\$70,925 28

1856, amount paid D. W. Miller for repairs of burnt buildings and discharged convicts.....	\$3,450 26	
1857, Amount paid D. W. Miller for repairs of burnt buildings, discharged and remanded convicts.....	2,683 99	
1858, amount paid D. W. Miller for remanded convicts.....	53 00	
	<hr/>	\$85,743 90

Making in all the sum of..... \$247,117 93

In the erection and management of the prison there seems to have been but little economy used, for the amount alone expended in its erection is two and a half times the actual value of the work done. Had the money been properly and prudently expended, Indiana this day could have had a prison sufficient for the working of one thousand convicts, but as it is, her money is gone and she is left with a prison so small that *public necessity* absolutely demands that steps should be immediately be taken either to enlarge the same or erect a new one, as it is not sufficient to accommodate the prisoners already there.

Your committee feel assured that the convict labor now within the walls of the prison, without any further increase, by making the necessary improvements so that the same can be properly worked. will, if good faith is observed on the part of the officers controlling the same, be sufficient to pay all necessary expenses properly chargeable to the prison, and leave a surplus, during the next five years, sufficient to reimburse the State for all outlays in the way of improvement.

That the same can be done will appear from the following showing, to-wit:

There are now in the prison four hundred and eighty-one convicts, and it is not probable that the number will grow less, but gradually increase, allowing out of that number to be sick and for servants, sixty-one, which the warden informs your committee is an ample allowance, it leaves four hundred and twenty to work, which, at fifty cents per day each, during the year, makes.....	\$65,520 00
Of that number twenty-five are United States prisoners, for the keeping of which the State receives over and above their labor, thirty seven and a half cents per day when well, and one dollar and ten cents per day when sick. The warden informs your committee that the keeping of said prisoners will average fifty cents per day each, which would amount during the year to.....	4,562 50

Making whole receipts of prison during the year. \$70,082 50



The average cost of each prisoner, for the year 1858, for provisions, clothes, fuel, light and medicines, was.....	\$56 42	
Believing that it will not cost in the future more than that sum for each prisoner, it would make the keeping of the four hundred and eighty-one convicts per year amount to.....	27,138 02	
Salaries of all the officers of the prison, including directors.....	16,974 00	
Sheriffs fees in taking convicts to prison for 1858.....	10,113 55	
Amount paid discharged convicts for 1858.....	2,030 00	
Contingencies.....	1,826 93	
	<hr/>	58,082 50
Which leaves over all expenditures.....	\$12,000 00	

Believing, from the above showing, that the prison can be made not only self-supporting, but yield a surplus, if properly managed, an important question then arises, in what manner can it be done? by separating the convicts or keeping them together. If together, then where is the best point in the State for the prison?

The kind of business to which the convict labor is to be applied to a great extent, determines the question as to the location of the prison, as well as the separation of the convicts. If the labor is to be applied exclusively to manufacturing, which is clearly indicated in the act regulating the prison, and which in the judgment of your committee is the proper kind of employment, then the prison should be located, either at the market or on some great thoroughfare, upon which the manufactured articles would bear transportation, otherwise the State is bound to loose on the price of the labor sufficient to pay the cost of transportation, and all the prisoners should then be worked together, for the reason, more kinds of manufacturing could be carried on in the prison at the same time, which would give it the notariety and respectability of a manufacturing establishment instead of a mere workshop.

As the State cannot undertake to work the prisoners herself, but must look to private enterprise, in order therefore to make their labor either profitable to herself or desirable to the employees, she must so arrange her prison that their labor can be employed solely in manufacturing, and that within doors, for the following reasons:

*First.* It is the only kind of business that can be made permanent, and therefore the only kind that responsible employees would engage in.



*Second.* It should be carried on at all seasons of the year, so as to keep the convicts constantly employed, and for that reason should be in doors, otherwise, during excessive cold or wet, the business would have to stop, and the employee perhaps be greatly discommoded, and the State compelled to loose the labor of the convict while idle, which if the work was in doors, neither would happen. Articles, such as are manufactured in a prison, are either too heavy or cumbersome to bear transportation by railroad. A prison, therefore, depending solely upon railroad transportation, in order to induce manufacturers to employ its convicts, must put down their labor, so that the manufacturers, when they get their articles to market, the same shall not have cost them more than such articles manufactured at the market, which require no transportation. The Wabash and Erie Canal having so far gone down, that no reliance can longer be placed upon it, as a means of transportation, there is no place in central Indiana at which to erect a prison, but what the same would have to depend entirely upon railroads for shipments, and then the labor of the convicts would have to be put so low that the prison could not pay expenses. The Ohio prison should serve us as a warning not to place ours off of a water-course. That prison is located in the center of the State and has to depend entirely upon railroad transportation for its manufactures, and the result is it cannot employ all its convicts, and what it does it cannot get to exceed forty cents per day each for them, which is insufficient to pay expenses, and the people of Ohio have to be taxed every year to make up a large deficiency, while our prison, situated on the Ohio river, hires every man that there is room to work, at an average of fifty-five cents per day. One great reason that our prison has not been self-supporting for the last two years is that there has been from four hundred to four hundred and eighty-one prisoners in it, and only room for about two hundred to work, and the rest have mostly been kept idle.

Your committee is aware that it is urged as a reason for erecting a prison in the northern portion of the State, that a large amount would be saved every year in carrying convicts to the prison. That may be true, but when the cost of managing another prison and the decrease in the price of convict labor as shown above are estimated, the argument dwindles into insignificance, and when reduced to figures makes the following showing:

The cost of transporting the convicts north of the National road, including all the counties through which the road runs, from the 6th day of November, 1856, to the 24th day of December, 1858, being two years one month and eighteen days, according to auditor's report, was . . . . . \$13,455 05

The cost of managing another prison for the same time, estimating it at the same as our present prison cost, would have been, for officers alone . . . . . \$36,069 75

Decrease in the price of convict labor ten cents per day on each convict, esti- mating number there at two hundred, would have been for the same time..	13,260 00	
The cost of conveying same convicts, if prison had been situated north, could not have been less than.....	8,000 00	
	<hr/>	58,329 75
Making a difference against new prison of .....		\$43,874 70

It is urged by some that the lakes, being the great out-let and market for the produce of the north-west, that a prison situated upon them would not be subject to the objections urged against a prison situated in the interior of the State, and that they would furnish a market and cheap transportation for all articles manufactured at the prison. But a majority of your committee feel satisfied that the lakes as well as the interior of the State is not a suitable place for a prison, for the following reasons:

*First.* The great north-west bordering on the lakes is mostly settled by eastern men, who are generally very fastidious in their tastes, and require more style in the manufacture of articles than convict labor is able to give them, and for that reason, the country bordering on the lakes as well as the country to which they furnish a market, being of the same cost, would not furnish a ready sale for the manufactures of convict labor.

*Second.* Chicago, with her vast manufacturing establishments, where every thing is done mostly by machinery, being situated upon the lakes, would overshadow and render powerless all manufacturing efforts of a prison situated within her reach, as she could furnish articles much superior in style for the same money, so that a prison situated upon the lakes, as now, would have to hunt a southern market for her manufactures, and that could only be done by railroad to the Ohio river, which would be so costly as to make the freight almost equal to the price of the article itself when got to market, which would virtually render the convict labor north of the National road worthless, and require the prison to be supported by a direct tax.

A majority of your committee are well satisfied that the interests of the public require that Indiana should have but one prison, and that the same should be located upon the Ohio river. They are therefore opposed to the erection of a new prison, and recommend the enlargement of the old one at Jeffersonville, and urge in support of their conclusions the following additional reasons:

*First.* The prison having been located at Jeffersonville so many years, the country around has grown up with it, and to a great extent is dependant upon it for all its manufactured articles, while



it furnishes in return to the farmers around it a market for a large portion of their surplus produce. The city of Louisville, which is immediately opposite, has also to a great extent shaped her manufacturing establishments as not to come in contact with the prison, but rather depends on it for all such articles as it manufactures, thus furnishing the prison with a home market for most of its manufactures, while the surplus finds a ready sale in the south by an easy and cheap conveyance, which will always create at that point a ready demand at high prices for all the convict labor that Indiana will ever have.

*Second.* The State is already the owner of four acres of ground immediately west of and adjoining to the prison, which if inclosed with the same and properly improved, will furnish ample room for one thousand prisoners, which are as many as we will probably ever have in the prison at any one time; and in making the enlargement all the spare convicts can be worked at a profit of at least fifty cents each per day, while if a new prison should be built north of the National road, the surplus convict labor could not be used to any profit, for the reason, that to take them up north without any safe place to keep them, there would be great danger of their escaping, it would also require a large number of extra guards at high wages to guard them, and also temporary improvements would have to be made in which to house them after night, so that the cost when counted up would amount to more than their labor would be worth.

*Third.* The prisoners being divided and their services not commanding an equal price, a natural jealousy would spring up between the prisoners and keep up a constant difficulty. It would also add at least sixteen thousand dollars additional cost in the way of salaries for new officers, and being remote from the capitol would have to be visited at each session of the General Assembly, as well as provided with all the conveniences in the way of residences for warden and deputy warden, which already belong to the old prison and would not have to be furnished. In short, when the Legislature undertake to divide the prisoners and erect a new prison, it will find a new leak spring in the treasury, through which thousands of dollars will pass each year unnoticed, and thereby forever blast the hope of making convict labor self-supporting, but fasten upon the people a ruinous and extravagant system for its management, from which they will never be able to rid themselves.

*Fourth.* By enlarging the prison instead of erecting a new one we save to the State a large sum of money, from the fact that building material is in greater abundance near to the present prison than in almost any other part of the State, so that the same can be procured by convict labor. We also save the expense of erecting all the necessary conveniences which a prison requires



other than shops and cell houses, as those now at Jeffersonville are sufficient to accommodate any increase of prisoners.

Your committee therefore believing that the interests of the State require the old prison enlarged, herewith submit the following plan for the enlargement of the same.

[NOTE—Cut of the plan of the new State Prison not furnished printer.]

Your committee also submit the following estimate of the cost of such enlargement, which they regard as accurate, and upon which the Legislature in making an appropriation for the work can rely.

Brickwork .....	\$22,000 00
Stonework. ....	7,000 00
Iron for cell-houses and shops.....	15,000 00
Tin roofing.....	4,645 00
Woodwork and materials and glass for windows.....	10,889 50
Tin spouting, nails and small hinges .....	700 00
Plastering .....	2,000 00
Sewer .....	1,600 00

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Making in all..... \$63,834 50

From that is to be deducted all the convict labor that the prison can spare while the work is being done.

No. 247. A bill to provide for the enlargement of the State prison, and providing duties of officers in relation thereto, and punishments for the violation thereof, and making appropriations for the enlargement thereof.

Which was read a first time and passed to a second reading.

The Speaker announced the following select committee of one from each judicial circuit, on Senate bill No. 102, to-wit:

Mr. Martin, of the sixth circuit;  
 Mr. Shields, of the first circuit;  
 Mr. Davis, of the second circuit;  
 Mr. Clements, of the third circuit,  
 Mr. Treadway, of the fourth circuit;  
 Mr. Ritter, of the fifth circuit;  
 Mr. Brotherton of the seventh circuit;  
 Mr. Hamilton of Boone, of the eighth circuit;  
 Mr. Mansfield, of the ninth circuit;  
 Mr. Waterman, of the tenth circuit;  
 Mr. Firestone of the eleventh circuit;

Mr. Stiles, of the twelfth circuit ;  
 Mr. Colgrove, of the thirteenth circuit.

On motion by Mr. Collier,  
 The House adjourned until to-morrow morning, 9 o'clock.

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SATURDAY MORNING, 9 o'clock, {  
 February 12, 1859. }

The House met.

The Clerk proceeded to read the Journal,  
 When,  
 Mr. Firestone moved to dispense with the further reading ;  
 Which was not agreed to.

The Clerk continued to read the Journal,  
 When,  
 On motion by Mr. Stanfield,  
 The further reading thereof was dispensed with.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Wood,

A petition signed by James B. Aydelott and others, of Gibson county, praying for legislation in reference to the Wabash and Erie canal ;

Which,

On motion,  
 Was referred to the committee on canals.

By Mr. Kempf,

A petition signed by John G. Hoffman and others, praying a change of the law in regard to fees of officers ,

Which,

On motion,  
 Was referred to the committee on the judiciary.

The Speaker laid before the House sundry remonstrances, numerous signed by citizens of Indianapolis, remonstrating against the occupancy of University square in said city, by separate denominations of Christians ;

Which,

On motion,

Was referred to the committee on the judiciary.

By Mr. Comstock,

A petition signed by William River and others, praying for the passage of a law making public drinking places public nuisances :

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Clements,

A communication of A. Martin, deputy appraiser of Washington, Daviess county, in regard to the Wabash and Erie canal ;

Which,

On motion,

Was referred to the committee on canals.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Colgrove, from the committee on the judiciary, made the following report :

**MR. SPEAKER:**

The judiciary committee, to whom was referred House bill No. 122, entitled "a bill to authorize the holders of unauthorized paper currency to sue for and recover from persons who have issued the same as for money had and received, without making previous holders parties to the suits, and making such currency evidence of the indebtedness," have had the same under consideration and instruct me to report the same back to this House, and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Mellett, from the same committee, made the following report :

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 209, "a bill to amend the thirty-eighth section of an act



entitled 'an act defining felons, and prescribing punishment therefor,' approved June 10, 1852," have had the same under consideration, and have instructed me to report the same back to the House with the following amendment, and when so amended, to recommend its passage.

Amend by striking out section 1st, and inserting the following :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 38 of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 10, 1852, and which reads as follows, namely :

SEC. 38. Any person who shall be the keeper of any gaming apparatus, for the purpose of winning or gaining any article of value, or who shall get his livelihood by gaming, or who shall be found wandering about from place to place, in the habit or practice of gambling, shall be deemed a professional gambler, and, upon conviction, shall be imprisoned in the State prison not less than one year nor more than five years, and be disfranchised for any determinate period ; or may be imprisoned in the county jail not less than three nor more than six months, and disfranchised for any determinate period," be, and the same is hereby amended so as to read as follows, namely :

SEC. 38. Any person who shall be found wandering about from place to place, in the habit or practice of gambling or who shall get his livelehood by gaming, shall be deemed a professional gambler, and upon conviction thereof, shall be imprisoned in the State prison not less than one year nor more than three years, and be disfranchised for any determinate period, or may be imprisoned in the county jail not less than three nor more than six months, and disfranchised for any determinate period.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Davis, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 128, entitled "a bill to provide for the conveyance of real estate by any person or persons claiming rights or title thereto," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Davis, from the same committee, made the following report :

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 160, entitled "an act to amend the first section of an act providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished," approved February 12th, 1855, to authorize the judge or court to call and hold special terms and to fix the compensation of judges for holding such adjourned and special terms, and of prosecuting attorney while in attendance upon the same," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Colgrove, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts to whom was referred House bill No. 47, a bill to provide for the organization of courts, have considered the same and instruct me to report the same back to this House with the following amendment:

Amend the fifth section by adding the following: "And jurisdiction of all other cases, civil or criminal, that is not otherwise provided for by law," and when so amended recommend its passage.

Mr. Colgrove moved to make the bill and report the special order of the day for Monday next, at 2 o'clock, P. M.

Which was agreed to.

Mr. Colgrove, from the same committee, made the following report:

MR. SPEAKER:

The committee on the organization of courts to whom was referred House bill No. 55, a bill giving clerks of the circuit courts probate jurisdiction, have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in.

Mr. Stanfield moved to include the above bill in the special order just made for Monday next at 2 o'clock, P. M.

Which was agreed to.

Mr. Colgrove, from the same committee, made the following report:

**MR. SPEAKER:**

The committee on the organization of courts to whom was referred House bill No. 56, a bill to abolish the courts of common pleas, have considered the same and instruct me to report the same back to this House and recommend its passage.

The report was concurred in.

Mr. Colgrove moved to include the foregoing bill in the special order of the day just made, for Monday next at 2 o'clock, P. M.

Which was agreed to.

Mr. Dougherty moved to reconsider the vote taking on making House bill No. 47 the special order of the day for Monday next at 2 o'clock, P. M.

Which was not agreed to.

Mr. Edwards moved to suspend the order of business and take up the motion of Mr. Gordon, made on the 5th inst., and laid over under the rules of the House, to rescind the rule heretofore made by the House, to adjourn from each Saturday at 11 o'clock A. M., till the next Monday at 2 o'clock, P. M.

The question being on rescinding the rule,

Messrs. Murray and Gifford demanded the ayes and nays.

*Those who voted in the affirmative were.*

Messrs. Bowman, Boyd, Brotherton, Carr, Cavins, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Harrison, Jones, Keefer, Kelly, Lawhead, Lewis, McLain, Major, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Ritter, Robinson, Row, Scott, Sherman, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Waterman, Whiteman, Wildman, Wood and Mr. Speaker—62.

*Those who voted in the negative were*

Messrs. Black, Boxley, Branham, Clark, Clements, Hartley, Kempf, Newton, Shields and Treadway—10.

So the rule was rescinded,



Mr. Jones moved to suspend the order of business and take up the resolution offered by himself on Saturday last in regard to granting leaves of absence.

Which was not agreed to.

The house then took up the report of the judiciary committee on bill No. 157, "a bill securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings and the earnings of their minor children in certain cases."

Which was pending at the time of taking up the special order on yesterday,

The question being to recommit with the following instructions:

"To amend by confining its provisions to cases where the property has been set off under our exemption laws."

It was so ordered.

Mr. Dougherty moved the following additional instructions:

That the consent of the wife, required by the first section, shall be evidenced in writing, signed by her and attested by a competent witness.

Mr. Mellett moved to amend the instructions of Mr. Dougherty as follows:

*Provided also*, That such writing be acknowledged before some justice of the peace, and that such acknowledgement shall show that the wife was examined separate from and without the hearing of her husband, and that she gave her consent without coercion, fear or compulsion from her said husband.

Mr. Lawhead moved the previous question.

Which was not seconded.

Mr. Stanfield moved to lay the instructions and proposed amendment on the table.

Mr. Collier called for a division of the question.

Which was ordered.

The question being on laying the amendment offered by Mr. Mellett on the table.

Messrs. Mellett and Stiles demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Boyd, Brotherton, Clark, Comstock, Davisson, Dough.

erty, Early, Firestone, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Lawhead, Mansfield, Murray, Nebeker of Warren, Parks, Rutter, Robinson, Row, Scott, Shields, Smith of Miami, Snyder, Stanley, Thompson of Elkhart, Treadway, Waterman, Wildman and Mr. Speaker—30.

*Those who voted in the negative were,*

Messrs. Baird, Bowman, Boxley, Branham, Carr, Cavens, Clayton, Clements, Davis, Durham, Edwards, Fordyce, Gifford, Hartley, Jones, Jordan, Keifer, Kelly, Lewis, McLain, Massey, Mellett, Merrifield, Miller, Nebeker of Vermillion, Nelson, Parrett, Ryner-son, Sherman, Shockley, Smith of Perry, Stiles, Summers, Tebbs, Whiteman and Wood—36.

So the motion did not prevail.

The question then being on laying the instructions offered by Mr. Dougherty on the table;

It was not so ordered.

The question recuring on the adoption of the amendment offered by Mr. Mellett;

It was agreed to.

The question then recurring on the adoption of the instructions as amended;

It was not agreed to.

Mr. Parks was granted leave of absence until Tuesday next.

Mr. Cavins, from the committee on claims, made the following report:

**MR. SPEAKER:**

The committee on claims, to whom was referred the claim of Jacob Stauffer and John Stauffer, have had the same under consideration, and find that the 10th day of April, 1850, the State of Indiana, in consideration of the sum of four hundred and forty dollars, conveyed to said claimants by two several letters patent, the west half of the north-east quarter, and the east half of the north-east quarter of section number eleven, in township No. 33, north of range No. 6 east, containing 160 acres. That afterward, by due process of law, it was by the circuit court of St. Joseph county, and by the supreme court of the State of Indiana, adjudged that said State of Indiana never conveyed any title in said land to said claimants, and that the legal title in and to said lands was vested in one Alexander Stephenson, by virtue of a purchase from

the General Government. Said committee also find that said claimants have paid the sum of \$57 13 as costs adjudged against them in contesting the title to said land, and the sum of \$68 24 for taxes on said land. Therefore, in consideration of the foregoing facts, the committee have directed me to report said claim back to the House and recommend that said claimants be allowed for their purchase money, taxes, cost and interest thereon the sum of eight hundred dollars (\$800.) and that the same be provided for in the specific appropriation bill of this session ;

The report was concurred in, and

On motion,

Referred to the committee on ways and means.

Mr. Wildman, from the committee on claims, made the following report :

MR. SPEAKER .

The committee on claims, to whom was referred the claim of Charles W. Seeley, have had the same under consideration, and instructed me to report that in their opinion the claim is unjust and ought not to be allowed, and therefore recommend that it be indefinitely postponed ;

Which was not concurred in.

Mr. Merrifield, from the committee on rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on rights and privileges, to whom was referred House bill No. 213, entitled a bill to amend the 23d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," have had the same under consideration, and directed me to report the same back to this House and recommend the passage thereof ;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Parks, from the committee on the rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants



of this State, to whom was referred sundry memorials from Elkhart and Laporte counties, in relation to the game laws, have had the same under consideration, and have directed me to report the same back to the House, and that the committee having heretofore reported a bill on that subject they recommend that the same be laid on the table ;

Which was concurred in.

Mr. Comstock, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was recommitted House bill No. 77, a bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and to repeal all laws conflicting therewith," have had the same under consideration, and said committee have instructed me to make the following report :

In addition to the amendments recommended in our former report and adopted by the House, they further recommend that the latter clause of section three of the present law be added to section three in this bill, which reads as follows :

But any person may be exempt from serving as such supervisor by paying into the township treasury the sum of six dollars, and in such case the vacancy shall be filled as herein before provided ; *Provided, however,* That no person shall be compelled to serve oftener than once in four years. Also, that section four of the present law be inserted, which reads as follows .

"Any person liable to perform highway labor who shall fail to accept the office of supervisor in his district, and to qualify and serve as such when duly elected or appointed, or to pay the sum in the next preceding section specified as a commutation therefor, within twenty days after his appointment or election, shall forfeit the sum of six dollars, to be recovered before any justice of the peace of the township, for the benefit of the township in which such district is situate, and in case of such failure the township clerk, if there be one, shall bring suit for such penalty in the name of such township, and if there be no such clerk, the auditor of such county shall bring such suit, and in case of recovery of such penalty, it shall be paid into the treasury of such township."

Also, that section six be stricken out and section seven of the present law, which reads as follows, be inserted in its place :

Such supervisor may require any person liable to work on such highways who may be the owner of an ox or horse team and a plow, cart or wagon, to furnish the same and a driver in such labor upon such highways, and such person shall receive credit

for three days' labor therefor, and be receipted accordingly by such supervisor."

All of which is respectfully submitted.

The report was concurred in, and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House No. 12, with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Hall, from the committee on engrossed bills, made the following report:

MR. SPEAKER :

The committee on engrossed bills, to whom was referred engrossed bill of the House No. 139, have compared the same with the original bill and find it correctly engrossed.

Mr. Stiles from the committee on corporations made the following report:

MR. SPEAKER :

The committee on corporations to whom was referred House bill No. 140, a bill to amend part of section two, and to amend section four of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matter as properly pertains thereto, and to repeal all laws coming in conflict with the provisions of this act," have had the same under consideration and have directed me to report the same back to the House and recommend that the same be indefinitely postponed.

Which was concurred in.

Mr. Snyder obtained leave and offered the following resolution :

*Resolved*, That a special committee of five be appointed, whose duty it shall be to enquire into and report to this House at an early day, upon the practicability and propriety of erecting a State's prison at some point in the north part of the State;

Which was agreed to.

Messrs Harney, Murray, Sherman and Robinson, were appointed said committee.

Mr. Mellett under a suspension of the order of business, introduced bill

No. 248. A bill supplementary to an act to authorize and regulate the business of general banking, approved March 3, 1855. authorizing the Auditor and Treasurer of State to surrender the securities and moneys deposited in certain cases.

Which was read a first time and passed to a second reading.

Mr. Stanfield moved to suspend the order of business generally for the introduction of bills.

Which was agreed to.

#### BILLS INTRODUCED.

By Mr. Stanfield,

No. 249. A bill to change the time of holding the common pleas courts in the counties of St. Joseph, Marshall and Starke, and fixing the length of the terms thereof.

Which was read a first time and passed to a second reading.

By Mr. Shields,

No. 250. A bill to compel county boards to declare all roads that have been heretofore surveyed and located, as herein mentioned, which pass through one or more counties, public highways, and prescribing the duties of said boards, and the county auditors of said county or counties;

Which was read a first time and passed to a second reading.

By Mr. Davis,

No. 251. A bill relative to conveyances made to the purchasers of lands sold by executors, administrators or guardians;

Which was read a first time and passed to a second reading.

By Mr. Stanfield,

No. 252. A bill repealing section nine and amending section seven of an act entitled an act to incorporate the South Bend Manufacturing Company, approved December 28, 1842;

Which was read a first time and passed to a second reading.



By Mr. Nelson,

No. 253. A bill providing for transferring real estate for taxation on the books of county auditors, and prescribing the chain of title thereof in the recorder's office, in certain cases therein provided for.

Which was read a first time and passed to a second reading.

By Mr. Stanfield,

No. 254. A bill making the register of sales of Michigan road lands and certified copies of sections therein evidence, and declaring the effects thereof, and making the records of patents and certificates of purchase and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof.

Which was read a first time and passed to a second reading.

By Mr. Davis,

No. 255. A bill to abolish the complete record in all cases in which the same is now required by law to be made in the supreme court.

Which was read a first time and passed to a second reading.

By Mr. Colgrove,

No. 256. A bill to amend the seventy-first section of an act entitled "an act providing for the election and qualification of justices of peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time and passed to a second reading.

By Mr. Snyder.

No. 257. A bill to provide for the organization of new counties, and for the representation thereof, and the administration of justice therein.

Which was read a first time and passed to a second reading.

Mr. Sherman moved to suspend the order of business and take up House bill No. 128.

Which was not agreed to.

By Mr. Davis,

No. 258. A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and

connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the roads which they have heretofore surveyed and located, and use and occupy the same when completed," approved February 23, 1853.

Which was read a first time and passed to a second reading.

By Mr. Parrett,

No. 259. A bill to amend the twenty-second section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Waterman,

No. 260. A bill to provide paying witnesses fees out of the county treasury in certain criminal cases, and prescribing the duties of clerks and sheriffs in cases of conviction, for the collection of costs.

Which was read a first time and passed to a second reading.

By Mr. Stanfield.

No. 261. A bill to amend section 77 of an act entitled "an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, so as to prevent sham pleading.

Which was read a first time and passed to a second reading.

By Mr. Davis,

No. 262. A bill to repeal "an act to prevent railroad companies from changing their depots except on conditions therein named," approved March 4, 1853.

Which was read a first time and passed to a second reading.

Mr. Harney moved to make House bills No. 192, 193, 194 and 195 the special order of the day for Tuesday next at 2 o'clock, P. M.

Which was agreed to.

By Mr. Cavins,

No. 263. A bill to amend section thirty-seven of an act entitled "an act defining misdemeanors and prescribing punishment



therefor," approved June 14, 1852, so as to define other misdemeanors and to prescribe the punishment therefor.

Which was read a first time and passed to a second reading.

By Mr. Parrett,

No. 264. A bill to amend the thirty-fourth section of an act entitled "an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases.

Which was read a first time and passed to a second reading.

Mr. Row obtained leave and introduced the following resolution.

*Resolved*, That the committee on county and township business be instructed to inquire into the expediency of providing by law for the establishment of section courses or township lines, where the original courses of one section on one side of such line ought, by accurate survey, to be established as the corner of the section on the opposite side of the same line, though witness trees may indicate a different corner, and also in cases where a section is thought to divide up equitably the loss among the owners of such section, and when there is a surplus, to divide the surplus among such owners in just proportion, and that if the same is expedient the committee report a bill embracing this subject.

Which was agreed to.

Mr. Hamilton of Boone obtained leave and offered the following resolution :

*Resolved*, That in all cases where, in the opinion of the committee of ways and means, it becomes necessary for them to investigate or enquire into the condition of the finances of this State, or into the condition and management of any of the offices thereof, of the funds belonging thereto or connected therewith, or of any of the trust or other funds belonging to or under the control of the State or the officers thereof, said committee shall have power to send for persons and papers, and compel disclosures in any matter connected therewith under oath.

Which was agreed to.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate



has passed, with sundry engrossed amendments of the Senate thereto, House bill

No. 36. An act to fix the time of holding the circuit courts in the ninth judicial circuit.

Also, with the following engrossed amendments thereto, House bill

No. 168. A bill to amend the first section of an act entitled "an act authorizing railroad, plank road, turnpike road, and M'Adamized road companies to borrow money and to secure the repayment thereof by mortgage," approved February 5, 1852.

In which the concurrence of the House is respectfully requested.

On motion,

The engrossed amendments to House bills No. 168 and 36, contained in the foregoing message were concurred in.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Nebeker of Warren obtained leave and made the following report from a select committee :

**MR. SPEAKER :**

The select committee to whom was referred House bill No. 236, entitled "an act fixing the time for holding the common pleas courts of the counties of Warren, Benton and Jasper ; regulating the terms thereof, and repealing ail laws inconsistent herewith ;" have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The report was concurreed in, and the bill ordered to be engrossed.

Mr. Brotherton, by consent of the House, made the following report from a select committee :

**MR. SPEAKER :**

The select committee to whom was referred House bill No. 178, "a bill fixing time of holding courts of common pleas, and the length of the terms thereof, in the county of Blackford, and repealing all laws in conflict therewith," have had the same under consideration, and have directed me to report the bill back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hartley, by consent, introduced the following resolution :

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of this General Assembly passing a law to carry out the thirteenth article of the constitution of this State, and report by bill or otherwise.

Which was agreed to.

Mr. Edwards moved to reconsider the vote concurring in the Senate amendment to House bill No. 168 ;

Which was agreed to.

The question then being on concurring in the amendment of the Senate.

Mr. Edwards moved to amend by adding thereto the following words, to-wit : And bridge companies organized under the laws of this State ;

Which was agreed to.

The amendment was then ordered to be engrossed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Parrett moved to suspend the order of business, and take up bill No. 245, on its second reading ;

Which was agreed to.

No. 245. A bill to amend the sixth section of an act entitled "an act in relation to county auditors," approved May 31st, 1852, and to add an additional section thereto, authorizing the county auditor to use the seal of the county commissioners for certain purposes.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Smith of Perry moved to suspend order of business, and take up House bill No. 145, on its second reading :

Which was agreed to.

No. 145. A bill to provide additional security to the bondholder and the people of the State in the issuing certificates of stock for the original bonds of the State.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.



Mr. Davis moved that bills on their second reading be made the special order for 2 P. M.;

Which was agreed to.

Mr. Harrison, by consent, made the following report from the committee on county and township business :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 236, "a bill to amend section eight of an act entitled 'an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers,' approved May 27, 1852," have had the same under advisement, and direct me to report the same back, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Harrison, from the same committee, made the following report :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 117, "a bill to amend section 15, and to repeal sections 27 to 38, inclusive, of an act to provide for the opening, vacating and change of highways, approved June 17, 1852; so as to give boards of county commissioners jurisdiction as to changing, laying out and vacating highways, in their respective counties, saving and transferring all business now pending before township trustees under said section so repealed to the county commissioners, and providing for the deposition thereof," have had the same under advisement, and direct me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Harrison, from the same committee, made the following report :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred the petition of H. B. Falconburg, have had the same under advisement, and direct me to report it back, and recommend that it be laid on the table, believing that legislation on the subject is inexpedient.

Which was concurred in.



Mr. Lawhead, from a select committee, made the following report :

**MR. SPEAKER:**

The select committee, to whom was referred House bill No. 170, providing for the colonization of negroes and mulattos, making appropriations therefor, creating a State board, &c., have had the same under consideration, and direct me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Fordyce, by consent, made the following report from a select committee:

**MR. SPEAKER:**

The select committee, to whom was referred bill No. 215, "a bill to provide for the locating and working of highways located upon county lines," have considered the same, and instructed me to report it back, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

A message from the Governor, by Mr. Osbourne, executive messenger.

**MR. SPEAKER:**

I am directed by the Governor to inform the House that he has approved and signed the following bill :

Senate bill No. 49. An act fixing the time of holding courts in the fifth judicial circuit, and repealing all laws in conflict therewith.

On motion by Mr. Durham,  
The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met.

SENATE BILLS ON SECOND READING.

Senate bill No. 13. A bill to amend the 13th, 28th, 32d, 35th and 51st sections of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852.

Was read a second time, and

On motion,

Referred to the committee on swamp lands.

Senate bill No. 17. A bill to provide for the partition of real estate, and for laying the same off into lots, out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect:

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 193. A bill to regulate the barter and sale of spirituous and intoxicating liquors, and prescribing penalties for a violation of the same;

Was read a second time.

Mr. Nebeker of Warren, moved to refer the bill to the committee on temperance;

Which was not agreed to.

Mr. Hamilton of Boone, moved to refer to a select committee of five:

Which was not agreed to.

The question being on the ordering the bill to a third reading;  
It was not so ordered.

HOUSE BILLS ON SECOND READING.

No. 238. A bill to authorize the erection of houses of refuge, titled Magdalen Asylums, for penitent prostitutes;

Was read a second time, and

On motion,

Referred to a select committee of five.

Messrs. Kempf, Harney, Shields, Snyder and Waterman were appointed said committee.

No. 242. A bill regulating the fees and salaries of certain officers therein named, fixing their compensation for certain duties imposed upon them by law, and repealing former acts and laws in relation thereto;

Was read a second time, and

On motion,

Referred to the committee on fees and salaries.

No. 247. A bill to provide for the enlargement of the State prison and providing duties in relation thereto, and punishment for violations thereof, and making appropriation for the enlargement thereof;

Was read a second time, and

On motion by Mr. Davis,

Laid on the table till Monday next.

No. 243. A bill to amend an act entitled "an act defining felonies and prescribing punishment therefor;"

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 244. A bill to amend the 23d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State;"

Was read a second time, and

On motion,

Referred to the committee on agriculture.

Mr. Murray obtained leave and introduced the following resolution:

*Resolved*, That a committee of five, composed of practical printers, be appointed to report a bill fixing the price of public printing in this State;

Which was agreed to.

The Speaker appointed Messrs. Murray, Jones, Gregory, Miller and Newton said committee.

A message from the Senate by Mr. Vawter, their Secretary.



**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in amendment of the House to amendment of the Senate to

House bill No. 168. A bill to amend the first section of an act entitled "an act authorizing railroad, plank road, turnpike road and McAdamized road companies to borrow money, and to secure the repayment thereof by mortgage," approved February 5, 1852.

And have amended the title of said bill so as to read as follows, viz;

"A bill to amend the first section of an act entitled "an act authorizing railroad, plank road, turnpike road, McAdamized road and bridge companies to borrow money, and to secure the repayment thereof by mortgage," approved February 5, 1852;

In which the concurrence of the House is respectfully requested.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

Senate bill No. 63. A bill to amend the fifth section of an act entitled "an act to provide for the equalization and appraisement of the real property of the State of Indiana," approved May 28, 1852;

In which the concurrence of the House is respectfully requested.

Senate bill No. 63, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

Senate bill No. 112. A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and to

provide a penalty upon city taxes after the third Monday in March, A. D., 1859;

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 112, contained in the foregoing message, was read a first time and passed to a second reading.

Mr. Hamilton of Boone, obtained leave and made the following report from the committee on swamp lands:

MR. SPEAKER:

The committee on swamp lands, to whom was referred House bill No. 219, a bill for the relief of Ira O. Dibble, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House and say that in their opinion legislation thereon is inexpedient.

From the evidence before said committee, it appears that on the 18th day of April, 1857, R. A. Eddy, Swamp Land Commissioner, and Joshua Wheeler, Esq., of Lake county, by a written agreement contracted with Z. F. Summers and John Wheeler to build and erect a bridge across a swamp land ditch, commonly known as "Cody Marsh Ditch," being the outlet of Lake George. Afterwards said Summers and Wheeler assigned their said contract to the said I. O. Dibble, that said contractors were to receive for said bridge construction \$500 out of the swamp land fund of Lake county. The bill alleges that said swamp land commissioner, or his successor, refuses to pay or issue his certificate therefor. The committee further find that said Dibble has completed said bridge, &c.

The said committee are of opinion that the said Dibble has a full and ample remedy by suit at law, where all the facts connected therewith can be fully heard. The committee would further say that they entertain doubts as to the right of the swamp land commissioner to pay for the erection of bridges out of said swamp land fund, or in manner divert the said fund from the uses expressed in the different acts in relation thereto.

On motion by Mr. Hamilton of Boone,  
The report and bill were laid on the table.

Mr. Hamilton of Boone, obtained leave and introduced

House bill No. 265. A bill to amend sections eight and eleven of an act entitled "an act defining misdemeanors and prescribing punishments therefor," approved June 11, 1852;

Which was read a first time and passed to a second reading.

Mr. Brotherton obtained leave and introduced

House bill No. 266. A bill to provide for the transfer from the courts of common pleas to the circuit court of certain causes wherein the court of common pleas has no jurisdiction ;

Which was read a first time and passed to a second reading.

A message from the Governor by Mr. Osbourne, Executive Messenger.

**MR. SPEAKER :**

I am directed by the Governor to inform the House that he has approved and signed the following bill :

House bill No. 23. An act to legalize the commission of justice of the peace, issued to L. B. Osborn, Esq., of Jackson county, and also to legalize his acts under it.

Mr. Gifford, from the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have duly examined engrossed bills of the House Nos. 37, 91, 108, 128, 136, 175, 217, 227, 228 and 229 and find the same correctly engrossed.

On motion by Mr. Martin,  
The House adjourned till to-morrow morning 9 o'clock.

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MONDAY, 9 o'clock, A. M. }  
February 14, 1859. }

The House met.

On motion by Mr. Stanfield,  
The reading of the journal was dispensed with.



## REPORTS FROM STANDING COMMITTEES.

Mr. Stanfield, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred House bill No. 208, a bill to provide for the case of removal from office, death, resignation or inability, both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor; have had the same under consideration, and instruct me to report the same back to this House and recommend the following amendments, viz: "and that all laws inconsistent herewith be repealed," and when so amended, recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Stanfield, from the same committee, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred House bill No. No. 200, a bill for the punishment of officers, agents, clerks, servants or carriers for embezzeling, using or secreting money, goods, evidence of debt or other valuable property; have had the same under consideration and directed me to report the same back, and recommend the following amendments, to-wit:

Insert after the words "employment;" in the 16th line of the first section, the following words, "of the value of twenty-five dollars and upwards."

Also, insert after the word "instrument," in the 6th line of the second section the following words: "of the value of twenty-five dollars and upwards."

Also, insert after the word "them" in the 9th line of the third section, the following words, "of the value of twenty-five dollars and upwards;" and when so amended recommend the bill as complete for the action of the House.

On motion by Mr. Stanfield,  
The bill and report were laid on the table.

## REPORTS FROM SELECT COMMITTEES.

Mr. Carr, from a select committee, made the following report:

MR. SPEAKER:

The select committee of five, to whom was referred the petition of John F. Willey and Son, of Clark county, in reference to building a turnpike road from Charleston to Jeffersonville, in said county, with the assistance of convict labor, have had the same under consideration, and have directed me to report further legislation inexpedient, and ask to be discharged.

Which was concurred in.

Mr. Waterman, from a select committee, made the following report:

MR. SPEAKER:

A majority of the committee to whom was referred House bill No. 212, a bill prescribing a part of the duties of county auditors and treasurers, township clerks and supervisors of roads, in relation to road tax, and to provide a penalty for any failure on the part of said officers to discharge their duties as required in this act; have had the same under consideration and instruct me to report the same back without amendment, and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Lawhead, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 161, a bill to repeal an act entitled "an act providing for the colonization of negroes and mulattoes and their descendants, and appropriating 5,000 dollars therefor, constituting a State Board of Colonization, declaring the duties of said Board, and of State Treasurer and county treasurer in relation thereto," have had the same under consideration and direct me to report the bill back and recommend that said bill be laid on the table.

The report was concurred in, and the bill laid on the table.

### *House bills on second reading.*

No. 248. A bill supplementary to an act to authorize and regulate the business of general banking, passed March 3d 1855, authorizing the Auditor and Treasurer of State to surrender the securities and monies deposited in certain cases;

Was read a second time, and

On motion,

Referred to the committee on banks.



No. 249. A bill to change the time of holding the common pleas courts in the counties of St. Joseph, Marshall and Stark, and the length of terms therein.

Was read a second time, and ordered to be engrossed.

No. 250. A bill to compel county boards to declare all county roads that have heretofore been surveyed out and located as herein mentioned, which pass through one or more counties, public highways, and prescribing the duties of said boards and the county auditors of said county or counties.

Was read a second time, and

On motion,

Referred to the committee on roads.

No. 251. A bill relative to the conveyances to the purchasers of lands sold by executors, administrators, or guardians.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 198. "A bill to prohibit the owner or owners of those having the management of certain stock from allowing the same to run at large, and providing penalties therefor," and the accompanying majority and minority reports pending at the time of taking up the special order on Thursday last, were taken up and

Was read a second time.

On motion by Mr. Comstock,

The bill was referred to a select committee of five.

The Speaker appointed Messrs. Comstock, Boxley, Wheeler, Major and Clark said committee.

No. 252. A bill amending section nine and repealing section seven of an act entitled "an act to incorporate the South Bend manufacturing company," approved December 28, 1842.

Was read a second time and ordered to be engrossed.

No. 253. A bill to provide for transferring real estate for taxation on the books of county auditors and preserving the chain of title thereof in the recorder's office in certain cases therein provided for.

Was read a second time and ordered to be engrossed.

No. 254. A bill making the register of sales of Michigan road lands and certified copies of entries therein, evidence, and declaring the effect thereof, and making the records of patents and certificates of purchase and other evidence in writing of the sale of



real estate and certified copies of such records, evidence, and declaring the effect thereof.

Was read a second time and ordered to be engrossed.

No. 255. A bill to abolish the complete record in all cases in which the same is now required by law to be made in the supreme court.

Was read a second time and ordered to be engrossed.

No. 257. A bill to provide for the organization of new counties and for the representation thereof, and the administration of justice therein.

Was read a second time and ordered to be engrossed.

No. 258. A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or adjoining states, and connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed," approved February 23, 1853.

Was read a second time and ordered to be engrossed.

No. 256. A bill to amend the seventy-first section of an act entitled "an act providing for the election an qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 19, 1852.

Was read a second time and ordered to be engrossed.

No. 260. A bill to provide for paying witness fees out of the county treasury in certain criminal cases, and prescribing the duties of clerks and sheriffs in cases of conviction for the collection costs.

Was read a second time, and

On motion,

Referred to the committee on the organization of courts.

No. 246. A bill surrendering to the trustees of the Wabash and Erie Canal all rights that the State has to redeem the Wabash and Erie Canal, and all rights of reversion therein.

Which was read a second time.

Mr. Gordon moved the following amendment:

Strike out from the enacting clause and insert the following:

That the State of Indiana hereby releases, remises, and forever quit claims unto the trustees of the Wabash and Erie Canal to their successors in office, and unto their assigns and lessees all re-

siduary estate, right, title, interest and claim in and to Wabash and Erie Canal, and to all lands, and rights of every kind and description whatever, whether real or personal, corporeal or incorporeal, to and for the only proper use, benefit and behoof of the bondholders of the State of Indiana who became interested therein, and entitled thereto under the provisions of an act entitled "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846, and an act supplemental thereto, entitled "an act supplementary to 'an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville,'" approved January 27, 1847: *Provided however*, That nothing herein contained shall be so construed as to release the said trustees, their assigns or lessees, or the stockholders therein, or their assigns, from any legally existing obligation upon them, or any or either of them, to keep up, repair and maintain said Canal, and all the supplies of water power thereto pertaining, according to the true interest and meaning of the aforesaid acts, nor to prevent the forfeiture by said trustees, their assigns and lessees, of the said Canal and all the property and rights aforesaid pertaining thereto, to the State of Indiana, by reason of the failure of them, or any or either of them, to keep up, repair and maintain the said Canal, according to the true intent and meaning of the acts aforesaid, or for the failure of them or either of them to do and perform every and all other acts, conditions and things now legally incumbent on them to perform; nor shall anything herein contained, or any forfeiture arising from any of the causes aforesaid, or for any cause whatever, and the assertion of the rights of the State to the property and franchises of the said trustees, their assigns or lessees, be construed to entitle the bondholders of the State, who have become interested in said Canal, or any stockholder therein, or any other person whomsoever, to any right, claim or demand upon the State of Indiana to which such bondholder, stockholder, or other person was not justly and legally entitled, prior to the passage of this act: and, *Provided further*, That nothing herein contained shall be construed to prevent the said trustees, by and with the consent of the stockholders in said Canal, from assigning or leasing the same to such company, or companies, incorporated under the laws of this State, as they may find most conducive to the interest of the owners thereof, and the maintainance of said Canal; but the said trustees are hereby authorized and empowered to assign and lease the same as aforesaid, under the direction of the stockholders therein, and for the purposes in this proviso expressed.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act. It shall therefore take effect and be in force from and after its passage.



Mr. Colgrove moved the following amendments to the amendment:

Amend the first section by striking out all after the twenty-first line and insert the following:

And by the provisions of the two above recited acts to the State or to any individual person or corporation; but it is expressly declared and understood to be the true intent and meaning of this act, that each and every obligation assumed by or in any manner imposed upon said trustees or bondholders, either to the State or the lessees of water power, or any private individual, company or corporation, it is hereby expressly reserved to the State, private individual, company or corporation, as fully and in as ample a manner as though the State had not surrendered her right of redemption or reversion to said Canal trustees. *Provided further*, That the State for the purpose of securing the faithful execution of said trust and securing herself as well as her citizens from loss, therefore nothing in this act shall be construed as in any manner whatever to change the relation of the State to said trustees created in the said acts referred to, or to those for whose benefit said trust was created, except as before provided for; but said trust shall continue in full force, and in all respects as created, and as if the right of redemption and reversion had not been released on the part of the State.

*Provided further*, That should said Canal trustees, upon the part of the parties for whose use said trust was created or said uses, fail, neglect or refuse faithfully to fulfill and execute their part of said trust and to comply with all of the duties and obligations upon them imposed by said acts referred to, then and in that case said trust and all the rights and privileges therein granted shall be void, and in that case said Canal and all the property, rights and privileges, so as aforesaid by the State granted in trust, shall revert to the State.

And by adding the following sections:

SEC. 2. The trustees of the Wabash and Erie Canal, with the consent of the parties for whose benefit said trust was created, may lease for the use of the bondholders said Canal, or any part thereof, to any person or persons, company or corporation, who will obligate himself or themselves to keep said Canal, or such portion thereof as may be embraced in such lease, in good navigable order.

SEC. 3. Such leasee or lessees shall have all the power now conferred by law upon the trustees of said Canal to collect tolls and water rents, and to protect, preserve and maintain the same for navigable purposes, and may appoint collectors of tolls and all other officers or agents necessary to accomplish said object.



**SEC. 4.** The trustees of said canal are hereby released from all obligations imposed by the act transferring the canal to them, to build and maintain bridges thereon, (and said bridges hereafter shall be built and maintained by the several counties through which the canal passes.)

**SEC. 5.** Nothing contained in this act shall be so construed as to create, revive or recognize the existence of any liability on the part of the State for that portion of the public debt, which was by the arrangement made with the creditors of the State by the said acts of 1846 and 1847, referred to and charged over to the canal; the true intent and meaning of this act being to waive a right, and not to assume or recognize the existence of a liability.

Mr. Gordon moved that the bill and pending amendments be referred to the committee on the judiciary;

Which was agreed to.

**No. 261.** A bill to amend section seven of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." approved June 18, 1852, so as to prevent sham pleading.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

#### **BILLS INTRODUCED.**

Mr. Clements obtained leave and introduced

House bill No. 267. A bill prescribing the time of holding and the length of terms of the courts in the third judicial circuit.

Which was read a first time and passed to a second reading.

Mr. Clements obtained leave and introduced

House bill No. 268. A bill prescribing the time of holding the courts of common pleas in the several counties therein named;

Which was read a first time and passed to a second reading.

Mr. Edwards obtained leave and introduced

House bill No. 269. A bill concerning enclosures, trespassing animals, fences, inclosing railroads connecting therewith and on the land of any railroad company.

Which was read a first time and passed to a second reading.

Mr. Edwards obtained leave and introduced

House bill No. 270. A bill declaring it to be a misdemeanor to break down, open or remove any fence or enclosure of any rail-road, and prescribing the penalty therefor.

Which was read a first time, and passed to a second reading.

Mr. Snyder obtained leave and introduced

House bill No. 271. A bill making it a felony to cut down, or to cut down and carry away any standing timber, in certain cases therein named, and to prescribe a punishment therefor.

Which was read a first time and passed to a second reading.

Mr. Stanfield obtained leave and introduced

House bill No. 272. A bill defining the meaning of the word "fence," as used in an act entitled "an act concerning enclosures, trespassing animals, and partition fences," approved June 4, 1852.

Which was read a first time and passed to a second reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Murray, from the committee on elections, obtained leave and made the following report :

**MR. SPEAKER :**

The committee on elections, to whom was referred the certificates of the election of members of the House of Representatives, have examined the same, and have directed me to report that they find that the one hundred members now occupying seats on this floor were regularly and duly elected, and report the same back without further recommendation.

Mr. Murray, under further suspension of the order of business, made the following report from the committee on elections :

**MR. SPEAKER :**

The committee on elections, to whom was referred the petition of citizens of Clark county, praying for the passage of a law compelling township assessors to take a list of the legal voters of their several townships, and return the same to the inspectors of election, and requiring the production of a receipt for the payment of their taxes before such persons, so listed, shall be entitled to vote at any election, have had the same under consideration, and have directed me to report that legislation for that purpose is unnecessary and inexpedient, and recommend that said petition be laid on the table.

Which was agreed to.



Mr. Brotherton, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills, to whom was referred House bill No. 168, being "an act to amend the title and first section of an act entitled 'an act authorizing railroad, plank road and McAdamized road companies to borrow money, and to secure the repayment thereof by mortgage,' approved February 5, 1852," have examined the same, and find it correctly enrolled.

Mr. Griffin, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined engrossed bill of the House No. 1, compared it with the original, and find the same correctly engrossed.

#### HOUSE BILLS ON SECOND READING RESUMED.

No. 262. A bill to repeal an act to prevent railroad companies from changing their depots, except on conditions therein named, approved March 4, 1853.

Which was read a second time and ordered to be engrossed.

No. 264. A bill to amend the 34th section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852.

Which was read a second time, and ordered to be engrossed.

No. 266. A bill to provide for the transfer from the court of common pleas to the circuit court of certain causes, wherein the court of common pleas has no jurisdiction.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 265. A bill to amend section 8 and section 11 of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 11, 1852.

Was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of this State.



No. 259. A bill to amend section 22 of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 263. A bill to amend section 37 of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852, so as to define other misdemeanors, and prescribe the punishment therefor;

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of this State.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 112. A bill to amend an act entitled "an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D., 1859;

Was read a second time.

Mr. Cavins moved to refer the bill to the committee on the judiciary, with the following instructions:

To amend so as to provide for biennial instead of annual elections of the officers of cities;

Which was agreed to.

Mr. Cotton offered the following additional instructions:

Amend by inserting the following section after section eight:

Section 9. The common council shall have power to compel railroad companies having a portion of their track within the limits of the city, to light their tracks therein at street crossings, and to provide a guard at such places so as to prevent injuries to persons and property of citizens;

Which was agreed to.

#### BILLS INTRODUCED.

Mr. Merrifield obtained leave and introduced

House bill No. 273. A bill to legalize changes in highways made by railroad companies in this State;

Which was read a first time and passed to a second reading.

Mr. Cotton obtained leave and introduced

House bill No. 274. A bill to provide for the care of and enclosure of square number twenty-five, in the city of Indianapolis, providing for its use as a site for a State House, and providing for the use of the present State House and adjoining grounds for a State University;

Which was read a first time and passed to a second reading.

SENATE BILLS ON SECOND READING RESUMED.

Senate bill No. 172. A bill to fix the time of holding the circuit court in the first judicial circuit, and repealing all laws in conflict therewith;

Was read a second time and ordered to a third reading.

Senate bill No. 63. A bill to amend the fifth section of an act entitled "an act to provide for equalizing the appraisement for taxation of the real property of the State of Indiana," approved May 28, 1852;

Was read a second time and ordered to a third reading.

Senate bill No. 142. A bill to amend the sixth, eighth, ninth and fourteenth sections of an act entitled "an act to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto," approved December 21, 1858, also defining the duties of appraisers and deputy appraisers and the auditor of State.

Was read a second time

On motion by Mr. Stiles,

The bill was laid on the table and 200 copies ordered to be printed.

BILLS INTRODUCED,

By Mr. Davis,

No 276. A bill authorizing and directing the State Librarian to furnish the Warden of the State prison the Supreme Court Reports, the Laws and Documentary Journals;

Which was read a first time and passed to a second reading.

By Mr. Gordon,

No. 276. A bill to amend section 5 of an act entitled "an act to organize a supreme court, and prescribing certain duties of the judges thereof," approved May 13, 1852;

Which was read a first time and passed to a second reading.

Mr. Waterman obtained leave and introduced

House bill No. 277. A bill to amend section eight of an act to regulate fees of officers, and repealing former acts in relation thereto, approved March 2. 1855;

Which was read a first time and passed to a second reading

On motion,

The order of business was suspended for the general reception of reports from standing committees, when

Mr. Davis, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 145, entitled an act to provide additional securities to the bondholder and to the people of the State in the issuing of certificates of stock for the original bonds of the State," have had the same under consideration, and instruct me to report the same back to this House, and recommend that it be laid on the table;

Which was concurred in.

Mr. Stiles, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 232, entitled a bill to amend the tenth section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852, have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement, in as much as the House has already taken action on a bill embracing the same subject;

Which was concurred in.

Mr. Scott, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 163, entitled an act to regulate the collection of judgments and the sale of property on execution against sheriffs, constables or other public officer, administrator, guardian, executor or any other per-



son or corporation receiving or holding money in a fiduciary capacity, or the sureties of any or either of them, have had the same under consideration and instruct me to report the same back to this House and with the opinion of the committee that the consideration of the subject is inexpedient at this time ;

Which was concurred in.

Mr. Brotherton moved to lay the bill on the table :

Which was agreed to.

Mr. Parrett, from the same committee, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 245, entitled an act to authorize deeds and mortgages heretofore acknowledged before county auditors to be recorded and authorizing the same, and also the record thereof to be read in evidence, making such record notice to third persons and making such conveyances valid, have had the same under consideration, and instruct me to report the same back to this House with the following amendments, and when so amended recommend its passage :

Amend by adding the following :

Section 6. Patents for land issued by the United States and by this State and certificates of purchase thereof, and all contracts in writing for the sale of land or any interest therein, may be recorded by the recorder of the county in which such land is situate, and the record thereof, and certified copies of the same may be read in evidence with like effect as if the original instrument was produced ; -

The report was concurred, the amendment adopted and the bill ordered to be engrossed.

Mr. Scott, from the same committee, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 239, "an act requiring jury cases to be tried first in the courts of this State and requiring that the regular panel be discharged as soon as such jury cases are disposed of, and to provide for the summoning of juries from the bystanders in certain cases," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

Which was concurred in and the bill indefinitely postponed.

Mr. Mellett, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 220, entitled "a bill to amend the title and section one of an act entitled "an act to vest certain rights in married women whose husbands have left the State without making suitable provisions for their maintenance, or whose husbands are confined in the State Prison," approved March 4, 1857, have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement

Which was concurred in and the bill indefinitely postponed.

Mr. Davis, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 190, a bill to amend sections eleven and twelve of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14, 1852, have had the same under consideration and instruct me to report back to this House that inasmuch as the subject matter of the bill has already been acted upon by the House your committee would therefore recommend that the bill be laid upon the table.

Which was concurred in and the bill laid on the table.

Mr. Mellett, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 240, entitled a bill to amend the thirteenth section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

Which was concurred in and the bill indefinitely postponed.

Mr. Davis, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No.

231, entitled "a bill prescribing the duties of parties commencing, prosecuting or defending suits of action in the circuit and common pleas courts of this State," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

Which was concurred in and the bill indefinitely postponed.

Mr. Colgrove, from the same committee, made the following report :

**MR. SPEAKER :**

The judiciary committee to whom was referred Senate bill No. 17, entitled "a bill to provide for the partition of real estate and for laying the same off into lots and out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

Which was concurred in and the bill passed to a third reading.

Mr. Colgrove, from the same committee, made the following report :

**MR. SPEAKER :**

The judiciary committee to whom was referred House bill No. 191, entitled "a bill to authorize jurors to be summoned from an adjoining county to try criminal cases in certain cases, and providing compensation for their services," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Colgrove, from the same committee, made the following report :

**MR. SPEAKER :**

The judiciary committee to whom was referred House bill No. 241, entitled a bill to amend the ninety-seventh section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for a uniform mode of pleading and practice without distinction between law and equity," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

Which was concurred in and the bill indefinitely postponed.



On motion by Mr. Robinson,  
The House adjourned until 2 o'clock P. M.

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2 O'CLOCK, P. M.

The House met.

The hour having arrived the House proceeded to consider the

**SPECIAL ORDER OF THE DAY.**

No. 47. A bill to provide for the organization of circuit courts, the election of judges thereof, defining their powers and duties, and the jurisdiction of said courts, and fixing the salaries of said judges and the number of terms of said courts, and providing for adjourned terms of said courts, and transferring the probate business of the common pleas court to the circuit court, and repealing all former laws on the subject. Also,

No. 55. A bill giving clerks of the several circuit courts of this State probate jurisdiction, and defining their powers and duties therein, and fixing their compensation therefor, and to prohibit clerks and their deputies from practicing law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act. Also,

No. 56. A bill to repeal an act entitled "an act to establish courts of common pleas and defining the jurisdiction of and duties of, and providing for the judges thereof," approved May 14, 1852.

On motion by Mr. Edwards,  
The House resolved itself into the committee of the whole with the foregoing bills under consideration.

Mr. Edwards in the Chair.

After remaining in session sometime the committee rose and made the following report through their chairman.

**MR. SPEAKER:**

The committee of the whole House to whom were referred House bills Nos. 47, 55 and 56, the titles to which are set forth on

the records of the House immediately preceeding to going into committee of the whole, have had the same under consideration and have directed me to report progress and to recommend the adoption of the following amendment and ask to be discharged from the further consideration of the subject :

Amend bill No. 47 as follows .

Strike out "thirty circuits," in the first section, and insert "twenty-five circuits" in lieu thereof.

The report was concurred in and the amendment adopted.

Mr. Harney moved to indefinitely postpone House bill No. 47.

Messrs. Colgrove and Snyder demanded the ayes and noes.

*Those who voted in the affirmative were.*

Messrs. Black, Bowman, Boxley, Carr, Collier, Comstock, Durham, Gifford, Gregory, Harney, Hartley, Jones, Jordan, Knowlton, Lawhead, Lewis, McLain, Mellett, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parrett, Ritter, Scott, Smith of Perry, Snyder, Stanfield, Summers, Tebbs, Thompson of Elkhart, Wheeler, Whiteman and Wood—34.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Boyd, Branham, Brotherton, Cavins, Clark, Clayton, Colgrove, Cotton, Davisson, Davis, Devol, Early, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Jellies, Kelly, Kempf, Major, Mansfield, Merrifield, Martin, Robinson, Row, Shields, Shockley, Shull, Smith of Miami, Sullivan, Treadway, Waterman, Whetzel, Wildman and Mr. Speaker—41.

So the bill was not indefinitely postponed.

The question being on ordering said bill to be engrossed ;  
It was so ordered.

The question then being on ordering bill No. 55, to be engrossed:

Messrs. Nebeker of Warren and Clements demanded the ayes and noes.

*Those who voted in the affirmative were.*

Messrs. Baird, Boyd, Branham, Brotherton, Cavins, Clark, Clayton, Colgrove, Davisson, Davis, Devol, Early, Edwards, Fordyce,

Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Jefferis, Kelly, Kempf, Major, Mansfield, Massey, Merri-field, Martin, Ritter, Robinson, Row, Sherman, Shields, Shockley, Skull, Smith of Miami, Stanley, Stanfield, Sullivan, Summers, Treadway, Waterman, Whetzel and Mr. Speaker—44.

*Those who voted in the negative were*

Messrs. Austin, Black, Bowman, Boxley, Carr, Collier, Comstock, Durham, Gifford, Harney, Hartley, Jones, Jordan, Knowlton, Lewis, McLain, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parrett, Scott, Smith of Perry, Tebbs, Thompson of Elkhart, Wheeler, Whiteman and Wood—28.

So the bill was ordered to be engrossed.

The question being on ordering House bill No. 56 to be engrossed ;

It was so ordered.

The Speaker laid before the House a petition signed by Daniel McDonald and others, praying the enactment of a law giving to graduates of the Blind Asylum the preference for appointment to such places in said Asylum as they may be capacitated to fill.

On motion by Mr. Hall of Grant,

The petition was referred to the committee on benevolent institutions.

Mr. Knowlton obtained leave and presented a memorial signed by the Trustees of the Cass county and Eel River Seminary Society ;

Which,

On motion,

Was referred to the committee on the judiciary.

Mr. Collier moved that the House adjourn untill 7 o'clock, P. M  
Which was not agreed to.

On motion by Mr. Durham,  
The House adjourned until to-morrow morning, 9 o'clock.



TUESDAY MORNING, 9 o'clock, }  
February 15, 1859. }

The House met.

On motion by Mr. Gifford,  
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Murray,

A petition signed by Francis Henry and others, praying the Legislature to indemnify them for expenses incurred in the bringing of rascals to justice ;

Which,

On motion,

Was referred to the committee on claims.

The Speaker laid before the House a statement of an account against the State and in favor of Charles C. Campbell ;

Which was,

On motion,

Referred to the committee on claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Stanfield, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 98, a bill to amend an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and the county and township officers in relation thereto, approved June 18, 1852, have had the same under consideration, and instruct me to report back to this House, that in the opinion of your committee said bill is unconstitutional and inexpedient, they would therefore recommend its indefinite postponement ;

The report was concurred in and the bill indefinitely postponed.

Mr. Stanfield, from the committee on the judiciary, made the following report :

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 8, to amend the first section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852, have had the same under consideration, and directed me to make the following report:

That the amendment proposed to the present law is to so change it as to allow all the people of other nations, any where in the world, Africa included, to acquire and dispose of real estate upon the same terms as is allowed to our native born citizens. The committee are of opinion that it would be bad policy to allow aliens who had never been in the country or expect to reside in it, to have the right to purchase, sell, incumber or take by decent the real property of this State, and they therefore recommend that the bill be indefinitely postponed;

Which was concurred in, and the bill indefinitely postponed.

Mr. Stanfield, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 125, to prevent persons from riding, leading or driving any kind of animals upon the track or embankments of railroads, or driving wagons or carriages thereon, except as therein provided, and prescribing punishment for violations thereof, have had the same under consideration, and directed me to recommend the following amendments:

Insert the following section after the second section of the bill and strike out the figure "3" at the beginning of the last section and insert in lieu thereof "4," and when so amended recommend its passage.

Sec. 3. Any person who shall carelessly or negligently leave upon the track of any railroad anything that might endanger the safety of the trains running upon such road, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than five nor more than one thousand dollars, to which the jury trying the same may add imprisonment in the county jail for any period of time not exceeding six months;

The report was concurred in, and the bill as amended ordered to be engrossed.

Mr. Turpie, from the same committee, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 72, "a bill to amend sections one and two of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State, approved March 1st, 1853," have had the same under consideration, and have instructed me to report the same back with the following amendment thereto, and when so amended, to recommend its passage :

Strike out the words "at any one time," in the first section of the act.

The report was concurred in, and the amendment adopted.

Mr. Edwards moved to refer the bill as amended to a select committee of five ;

Which was agreed to.

Messrs. Edwards, Bowman, Robinson, Snyder and Sherman, were appointed said committee.

Mr. Davis, from the same committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom were referred House bills No. 18 and No. 64, with sundry amendments, together with sundry petitions in relation to the game laws of this State, have had said bill, amendments and petitions under consideration, and directed me to report said bill No. 64, together with the amendments and petitions, back to the House, and recommend that they be laid upon the table. Said committee recommend one amendment to No. 18, which is, to strike out from the enacting clause and insert the following, and when so amended the committee recommend its passage :

That the first section of an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for violations of this act," which reads as follows :

That it shall be unlawful to kill, shoot, trap or ensnare any deer, buck, doe or fawn within this State, between the first day of January and the first day of August in each year, and for each deer, buck, doe or fawn so killed, shot, trapped or ensnared, the person or persons so offending, shall, upon conviction thereof, be fined



ten dollars, one-half of which sum shall be paid to the person informing, and the other half to the common school fund ;

Be, and the same is hereby amended to read as follows, to wit :

That it shall be unlawful to kill, shoot, entrap or ensnare any deer, buck, doe or fawn within this State, between the first day of January and the first day of August in each year ; and for each deer, buck, doe or fawn so killed, shot, trapped or ensnared, the person or persons so offending shall, upon conviction thereof, be fined ten dollars, which shall go to the common school fund.

Sec. 2. That section three of said act, which reads as follows :

Sec. 3. That it shall be unlawful to shoot, trap or net pheasants or quails, between the first day of January and the first day of October in each year ; and any person or persons so shooting, trapping or netting pheasants or quails, in violation of this provision, shall, on conviction, be fined two dollars for each pheasant or quail so shot, trapped or netted, the amount of the penalty to be appropriated as in the preceding sections ;

Be, and the same is hereby amended to read as follows :

That it shall be unlawful to shoot, trap or net pheasants or quails, between the fifteenth day of February and the first day of October in each year ; and any person or persons so shooting, trapping or netting pheasants or quails, in violation of this provision, shall, on conviction, be fined two dollars, for each pheasant or quail so shot, trapped or netted, the amount of the penalty to be appropriated as in the preceding sections.

Sec. 3. That section 4 of said act, which reads as follows :

Sec. 4. It shall be unlawful to shoot, trap or otherwise destroy any prairie hen or chicken, between the first day of January and the first day of August in each year ; and any person or persons so violating the provision of this section, shall, upon conviction, be fined the sum of two dollars for each prairie hen or chicken so unlawfully shot, trapped or otherwise destroyed, the proceeds of such fine to be disposed of as heretofore provided ;

Be, and the same is hereby amended to read as follows, to-wit :

It shall be unlawful to shoot, trap or otherwise destroy any prairie hen or chicken, between the fifteenth day of February and the first day of August in each year ; and any person or persons so violating the provisions of this section, shall, upon conviction, be fined the sum of two dollars for each prairie hen or chicken so unlawfully shot, trapped, or otherwise destroyed, the proceeds of such fine to be disposed of as heretofore provided.

Sec. 4. Nothing in this act contained, or the act to which this is an amendment, shall be so construed as to prevent any person from killing, trapping, or otherwise destroying game upon his own premises.

Sec. 5. All acts and parts of acts contravening the provisions of this act be, and the same are hereby repealed.

The question being on concurring in the report, and adopting the amendments to bill No. 18, recommended by the committee,

Messrs. Turpie and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Boxley, Brianham, Brotherton, Clark, Colgrove, Cotton, Davisson, Davis, Dougherty, Durham, Edwards, Fordyce, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Jefferis, Keefer, Mellett, Mansfield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Scott, Smith of Miami, Stanfield, Stiles, Tebbs, Treadway, Waterman, Whiteman and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Cavins, Clayton, Clements, Comstock, Devol, Early, Eastham, Firestone, Gifford, Harney, Hunter, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Martin, Nelson, Newton, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Shull, Stanley, Sullivan, Summers, Thompson of Elkhart, Turpie, Usrey, Wheeler, Whetzel, Wildman and Wood—46.

So the report was not concurred in.

Mr. Davis moved to recommit the bills and report to the committee on the judiciary, with instructions to report separately on each bill;

Which was not agreed to.

Mr. Dougherty moved to indefinitely postpone House bill No. 18.

Messrs. Turpie and Boyd demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Branham, Brotherton, Clark, Claypool, Clayton, Colgrove, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Jefferis, Johnston, Keefer, Lawhead, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Robinson,



Scott, Sherman, Smith of Miami, Snyder, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Waterman and Whiteman—46.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Carr, Cavins, Clements, Collier, Devol, Early, Eastham, Firestone, Gifford, Hamilton of Boone, Harney, Hartley, Hunter, Jones, Jordan, Kelly, Kempf, Knowlton, Lewis, McLain, Massey, Martin, Nelson, Newton, Prosser, Ritter, Row, Rynerson, Shields, Shockley, Shull, Smith of Perry, Stanley, Summers, Turpie, Usrey, Wheeler, Whetzel, Wildman and Wood—44.

So the bill was indefinitely postponed.

Mr. Dougherty moved to reconsider the vote just taken.

Mr. Jefferis moved to lay that motion on the table

Messrs. Turpie and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were*

Messrs. Austin, Baird, Black, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Colgrove, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Jefferis, Johnston, Keefer, Lawhead, Major, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Robinson, Scott, Sherman, Smith of Miami, Snyder, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Waterman and Whiteman—47.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Boyd, Carr, Cavins, Clayton, Clements, Collier, Devol, Early, Eastham, Firestone, Gifford, Griffin, Harney, Hartley, Hunter, Jones, Kelly, Kempf, Knowlton, Lewis, McLain, Massey, Martin, Nelson, Newton, Parrett, Prosser, Ritter, Row, Rynerson, Shields, Shockley, Shull, Smith of Perry, Stanley, Sullivan, Summers, Turpie, Usrey, Wheeler, Whetzel, Wildman and Wood—46.

So the motion to reconsider was laid on the table.

The question being on ordering House bill No. 64 to be engrossed.

It was so ordered.



Mr. Colgrove, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 206, a bill to amend the 36th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," have had the same under consideration, and have directed me to report the same back with the following amendment :

Amend the section second by inserting after the word "miscarriage," in the nineteenth line, the words "with intent to produce abortion," and when so amended your committee recommend its passage.

The report was concurred in, and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Baird, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 177, "an act to amend section second of an act entitled 'an act to authorize the relocation of county seats and for the erection of public buildings in counties in case of such relocation,'" have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Parrett, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 207, "a bill to provide for the empanneling juries in civil and criminal cases in the circuit and common pleas courts, and repealing all laws conflicting therewith," have had the same under consideration and instruct me to report the same back to this House and recommend that it be laid upon the table.

Which was concurred in and the bill laid on the table.

Mr. Gifford, from the committee on engrossed bills, made the following report :

MR. SPEAKER ;

The committee on engrossed bills have duly examined engrossed bills of the House Nos. 150 and 160, and find the same to be correctly engrossed.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill without amendment, to-wit :

House bill No. 48. A bill to amend the sixth section of an act providing for the organization of county boards and prescribing some of their powers and duties," approved June 17, 1852.

Mr. Brotherton, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have examined enrolled bill of the House No. 48, and find the same correctly enrolled.

The Speaker laid before the House the following communication and accompanying report from the Agent of State.

HON. JONATHAN W. GORDON,

*Speaker of the House of Representatives :*

SIR :—Please lay before the body over which you have the honor to preside, my report for the year ending October 31st, 1858, and oblige,

Yours very respectfully,

JOHN M. LORD,

*Agent of State.*

Mr. Dougherty moved to refer the report to the committee of ways and means.

Which was agreed to.

Mr. Brotherton, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled House

bill No. 36 with the engrossed copy thereof and find the same correctly enrolled.

Mr. Griffin, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined engrossed bills of the House Nos. 170, 213 and 256, and have compared them with the originals, and find the same correctly engrossed.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bills :

House bill No. 168. An act to amend the title and first section of an act entitled "an act authorizing railroad, plank road and M'Adamized road companies to borrow money and to secure the repayment thereof by mortgage," approved February 5, 1852.

House bill No. 12. An act to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency, and to punish the putting away of broken bank notes or the notes of banks which have suspended specie payments.

House bill No. 36. An act to fix the time of holding the circuit courts in the ninth judicial circuit, and repealing all laws inconsistent therewith.

Mr. Mellett, from the committee on banks, made the following report :

MR. SPEAKER :

The committee on banks to whom was referred House bill No. 248, a bill supplementary to an act to authorize and regulate the business of general banking, passed March 3, 1855, authorizing the Auditor and Treasurer of State to surrender the securities or moneys deposited in certain cases, have had the same under consideration and have directed me to report the same back to this House and recommend its passage.

Pending the consideration of this report, the hour having arrived, the House proceeded to consider the



## SPECIAL ORDER OF THE DAY.

House bill No. 107. A bill to provide that the amount of sinking fund on loan or on hand shall be considered the principal of said fund, and for the payment of interest on the bank bonds and expenses out of the interest on said fund, and for appropriating the balance to the support of common schools, and repealing all laws contravening the provisions of this act. Also,

No. 119. A bill providing for the distribution of the sinking fund and defining the duties of the officers therein named, and setting apart and dedicating the same to common school purposes; providing the manner in which the same shall be managed, and providing for the distribution of the interest arising from said fund prior to the distribution of the same.

No. 107 was read a third time.

Mr. Colgrove moved to lay the bill on the table.

Messrs. Harney and Boyd demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Branham, Brotherton, Clark, Claypool, Clayton, Colgrove, Collier, Davis, Early, Eastham, Hall of Rush, Hamilton of Boone, Hunter, Jefferis, Johnston, Jones, Kelly, Lawhead, Lewis, McLain, Merrifield, Miller, Murray, Nelson, Ritter, Robinson, Rynerson, Sherman, Shull, Stanley, Stiles, Summers, Whiteman and Wood—36.

*Those who voted in the negative were,*

Messrs. Austin, Black, Boyd, Carr, Cavins, Clements, Comstock, Cotton, Davisson, Dougherty, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Wayne, Harney, Harrison, Hartley, Knowlton, Major, Mansfield, Massey, Martin, Nebeker of Vermillion, Nebeker of Warren, Row, Scott, Shields, Shockley, Smith of Miami, Smith of Perry, Stanfield, Thompson of Elkhart, Treadway, Turpie, Waterman, Wheeler and Whetzel—41.

So the bill was not laid on the table.

Mr. Colgrove moved to commit the bill to the committee on education with the following instructions:

Amend section second by adding thereto the following:

“And shall divide the same *pro rata* among the several counties of this State. Such dividend shall be based upon the preceeding

report of the Superintendent of Public Instruction, giving to each county her distributive share in proportion to the number of children listed in such county."

Mr. Harney moved to lay the motion and instructions on the table.

Messrs. Colgrove and Ritter demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Boyd, Boxley, Carr, Clayton, Comstock, Cotton, Dougherty, Devol, Fordyce, Hamilton of Boone, Harney, Kempf, Major, Mansfield, Nebeker of Vermillion, Nebeker of Warren, Shockley, Snyder, Turpie, Waterman, Wheeler and Whetzel—22.

*Those who voted in the negative were,*

Messrs. Baird, Black, Blythe, Branham, Brotherton, Cavins, Clark, Claypool, Colgrove, Collier, Davis, Durham, Early, Eastham, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Lawhead, Lewis, McLain, Miller, Murray, Nelson, Newton, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Whiteman, Wildman and Wood—57.

So the motion and instructions were not laid on the table.

Mr. Robinson offered the following additional instructions:

Amend the bill so as to require the commissioners of the sinking fund to set apart on their books one million of dollars, the interest of which shall be applied to the payment of interest on the out-standing bank bonds, and the payment of current expenses, and the balance of interest on the amount so set apart, if any, together with any part of principal of the fund that may be paid in, shall be applied to the outstanding bank bonds, and the interest on the balance of the fund not so set apart shall be applied to the support of common schools and distributed as the fund now raised by taxation is now or shall hereafter be distributed.

The question being on recommitting with the instructions.

Mr. Colgrove called for a division of the question;  
Which was ordered.

The question then being on Mr. Colgrove's motion and instructions;

They were agreed to.

The question next being on the instructions offered by Mr. Robinson.

Mr. Murray moved to lay the instructions on the table;  
Which was agreed to.

The question then being on ordering House bill No. 119 to be engrossed.

Mr. Harney moved to amend by striking out all except sections nine, ten and eleven.

Pending the consideration of which.

On motion by Mr. Keefer,  
The House adjourned until 2 o'clock, P. M.

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2 O'CLOCK, P. M.

The House met.

The hour having arrived the House proceeded to consider the

#### SPECIAL ORDER OF THE DAY.

House bill No. 192. A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State, also,

No. 193. A bill relative to the salaries of public officers, and providing the manner of paying the same and the manner of reimbursing the State for an increase of salaries, also,

No. 194. A bill to provide for the election and duties for a comptroller of State, and also,

No. 195. A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the



public moneys of the State and the several counties, and for the safe keeping of public moneys.

On motion,  
Bill No. 195 was taken up.

Mr. Stanfield moved to amend the second section by adding the following proviso :

*Provided however*, That the board doing county business may instead of procuring such room, vaults and safes, require the county treasurer to deposit the county funds in such bank as may be designated by such board.

Mr. Ritter moved to amend the amendment by inserting in the proper place the following words: "Or with such individuals."

Mr. Murray moved to lay the amendment to the amendment on the table;

Which was agreed to.

Mr. Miller moved to lay the amendment offered by Mr. Stanfield on the table.

Messrs. Dougherty and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Branham, Brotherton, Carr, Clark, Clayton, Clements, Colgrove, Collier, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Griffin, Hamilton of Boone, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, McLain, Major, Massay, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parrett, Prosser, Robinson, Row, Shields, Shockley, Shull, Smith of Perry, Stanley, Summers, Tebbs, Treadway, Usrey, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Boyd, Cavins, Comstock, Davis, Devol, Gifford, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Johnston, Lewis, Mansfield, Mellett, Murray, Power, Ritter, Scott, Sherman, Smith of Miami, Stanfield, Stiles and Thompson of Elkhart,  
—23.

So the amendment was laid on the table.

Mr. Robinson moved to reconsider the vote just taken.

Mr. Davis moved to lay that motion on the table;  
Which was agreed to.

Mr. Stanfield moved to amend the second section by adding the following proviso:

*“Provided, That the board doing county business may require the county treasurer to make a special deposit of the county funds in some safe place, to be designated by such board, until such county may see fit to prepare such vaults and safes as provided herein.”*

Mr. Keefer moved to lay the amendment on the table;  
Which was agreed to.

Mr. Miller moved to amend by striking out the second section.

Messrs. Keefer and Jones demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Brotherton, Cavins, Claypool, Clements, Colgrove, Comstock, Cotton, Davisson, Davis, Dobbins, Durham, Devol, Fordyce, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Jefferis, Johnston, Kelly, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parrett, Ritter, Robinson, Row, Rynerson, Shull, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel and Wood—55.

*Those who voted in the negative were,*

Messrs. Bowman, Carr, Clark, Clayton, Collier, Dougherty, Early, Eastham, Firestone, Gifford, Hall of Grant, Harney, Hunter, Jones, Jordan, Keefer, Kempf, Major, Martin, Nelson, Newton, Prosser, Scott, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Sullivan, Turpie, Whiteman and Mr. Speaker—33.

So the motion prevailed.

Mr. Dougherty moved to amend by striking out the third section and inserting the following in lieu thereof:

Sec. 3. From and after the first day of October, 1859, of all State and county revenue and all due, accrued, accruing or that may accrue to the State, or to any county, or to any fund belonging to or under the charge of the State or of any county, or of



any officer thereof, required by law to be paid in money, and of all disbursements from the State and county treasurers, ten per centum shall be paid in gold or silver coin or in the notes of solvent specie paying banks, regularly organized under the banking laws of the State; and from and after the first day of October, 1860, twenty per centum of all such payments and disbursements shall be in gold or silver coin, and the remainder in gold or silver coin or in the notes of banks as aforesaid; and from and after the first day of October, 1861, forty per centum of all such payments and disbursements shall be in gold or silver coin or in notes as aforesaid; and from and after the first day of October, 1862, sixty per cent. of all such payments and disbursements shall be in gold or silver coin, and the remainder in such coin or in the notes of banks as aforesaid; and from and after the first day of October, 1863, all such payments and disbursements shall be in gold or silver coin; *Provided*, That county treasurers may receive county warrants at their full nominal value in payment of taxes levied for county purposes.

Mr. Keefer offered the following amendment to the amendment:

*Provided also*, That the Treasurer of State shall at any time when in his opinion the interest of the State demand it, convert such bank notes as are in his possession into gold or silver by presenting them to the respective banks that issued them and demand such coin.

Mr. Murray moved to lay the amendment and the amendment to the amendment on the table.

Messrs. Dougherty and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davison, Davis, Durham, Devol, Eastham, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Kelly, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Summers, Thompson of Elkhart, Treadway, Usrey, Wheeler, Whetzel, Wildman and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Carr, Claypool, Clayton, Collier, Dob-



bins, Dougherty, Early, Firestone, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, Major, Nelson, Parrett, Shields, Shull, Sullivan, Tebbs, Waterman and Wood—25.

So the motion prevailed.

Mr. Prosser moved to amend the third section by striking out of the fifth and sixth lines the following words, to-wit :

“Or in the notes of solvent specie paying banks, regularly organized under the banking laws of this State.”

Mr. Robinson moved to amend the amendment as follows, to-wit :

By striking out from the fifth and sixth lines the words “regularly organized under the banking laws of this State.”

Mr. Sullivan moved the previous question ;  
Which was not seconded.

On motion by Mr. Murray,  
The House adjourned till to-morrow morning 9 o'clock.

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WEDNESDAY MORNING, 9 o'clock, }  
February 16, 1859. }

The House met.

On motion by Mr. Prosser,  
The reading of the journal was dispensed with.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Murray,

A petition from O. H. Maine and others of Elkhart county, praying for a division of the judicial circuit.

Which,

On motion,

Was referred to the committee on the organization of courts.

By Mr. Griffin,

A petition from sundry citizens of Lake county praying for the enactment of a law protecting fish in Cedar Lake.

Which was,

On motion,

Referred to a select committee of five.

The Speaker appointed Messrs. Griffin, Davis, Hamilton of Boone, Stanley and Murray said committee.

Mr. Hamilton of Boone moved to take from the table House bill No. 121.

Which was agreed to.

On motion,

The bill was referred to the foregoing select committee.

By Mr. Usrey,

A petition signed by S. R. Hamill and others of Sullivan county, praying that the county of Sullivan may be attached to the county of Vigo to form a common pleas district.

Which was,

On motion,

Referred to the committee on the organization of courts.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton of Boone, from the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections to whom was referred House bill No. 71, have had the same under consideration and have directed me to report the same back with the following amendments, and, when so amended, recommend its passage:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana:* That all persons having the qualifications of an elector as required by the second section of the second article of the Constitution of this State, having resided thirty days immediately preceding any election in the township where he may offer to vote, at such election and not otherwise.

SEC. 2. That the twenty-second section of an act entitled "an act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7, 1852, which reads in the words and figures following, to-wit:

"SEC. 22. If the person challenged take such oath he shall be

admitted to vote, and it shall not be lawful thereafter for said board to examine any witness touching his qualifications, but if he refuse to take such oath they may swear and examine such witnesses."

Be and the same is hereby amended to read as follows :

SEC. 22. If the person challenged take such oath and the board be satisfied from such oath, on further examination on oath, that he is legally entitled to vote, he shall be admitted to vote, but if he refuse to take such oath they may examine other witnesses.

And when so amended recommend its passage.

Mr. Dobbins moved to refer the report and bill to the judiciary committee with instructions to inquire into its constitutionality.

Which was agreed to.

The report of Mr. Mellett, from the committee on banks, on House bill No. 248, pending at the time of taking up of the special order on yesterday, was taken up, and the question being on concurring in the report?

It was concurred in and the bill ordered to be engrossed.

Mr. Stanfield, from the organization of courts, made the following report:

MR. SPEAKER:

The committee on the organization of courts, to whom House bill No. 223 was referred, providing for the return of the jury in common pleas courts on the third instead of the first day, have had the same under consideration, and directed me to report the same back with the following amendment, to-wit:

Strike out all after the enacting clause and insert the following:

"That the jury for the common pleas court shall come on the third day of the term, the venire for the same be made returnable on that day;" and when so amended recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Stanfield, from the same committee, made the following report:

MR. SPEAKER:

The committee on the organization of courts to whom was referred House bill No. 222, a bill to amend section forty-two of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof, have had the



same under consideration and directed me to report the same back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Scott, from the committee on fees and salaries, made the following report:

**MR. SPEAKER:**

The committee on fees and salaries to whom was referred House bill No. 125, a bill to amend section four of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, and to repeal all laws conflicting with the provisions of this act, have had the same under consideration and directed me to report the same back to this House and recommend that the same be laid on the table.

Which was concurred in.

Mr. Turpie, from the committee on fees and salaries, made the following report:

**MR. SPEAKER:**

The committee on fees and salaries to whom was referred House bill No. 2, "to provide for the salaries of the Governor and judges of the supreme and circuit courts," have had the same under consideration and recommend the following amendments, to-wit:

Strike out the word "sixteen" in the third clause of the first section, and in lieu thereof insert the word "fifteen," and add the following section:

**SEC. 3.** That no perquisites shall be paid to any of the officers aforesaid in addition to the above compensation, and it is hereby declared that an emergency exists for the immediate taking effect of this act, therefore this act to be in force from and after its passage, and when so amended the committee recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Hall of Rush, from the committee on engrossed bills, made the following report:

**MR. SPEAKER:**

The committee on engrossed bills have examined House bill No 188 and find the same correctly engrossed.

H. J.—37.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bill:

House bill No. 48. An act to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852.

Mr. Knowlton obtained leave and presented a petition signed by Samuel L. McFadin and others, praying a change of time for holding courts in Cass county;

Which,

On motion,

Was referred to the committee on the judiciary.

Mr. Knowlton obtained leave and introduced

House bill No. 278. A bill fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length thereof, in each county thereof.

Which was read a first time.

Mr. Knowlton moved to suspend the rule, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Mansfield, Massey, Merrifield, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Power, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Summers, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Whetzel, Wildman and Wood—67.

Mr. Hartley voting in the negative.

So the rule was suspended.

The bill was then read a second time by its title, and

On motion,  
Referred to the committee on the judiciary.

Mr. Kempf obtained leave of absence on account of sickness.

Mr. Parrett obtained leave and introduced

House bill No. 279. A bill to empower plank road companies to sell and convey their real and personal estate.

Which was read a first time and passed to a second reading.

Mr. Stanfield obtained leave and introduced

House bill No. 280. A bill to give the custody and control of the records and papers of the former probate courts of the different counties in this State to the clerks of the courts of common pleas, and authorize the clerks of the common pleas to make and certify transcripts of the same.

Which was read a first time and passed to a second reading.

Mr. Blythe obtained leave and introduced

House bill No. 281. A bill providing for the incorporation of canal companies.

Which was read a first time and passed to a second reading.

#### HOUSE BILLS ON THIRD READING.

Mr. Usrey moved to suspend the order of business and take up House bill No. 201 ;

Which was agreed to.

No. 201. A bill to amend the seventy-eighth section of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved January 7th, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Knowlton, Law-



head, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Power, Prosser, Row, Rynerson, Scott, Sherman, Shields, Shocklev, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—  
88.

No one voting in the negative.

So the bill passed.

Mr. Usrey moved to amend the title as follows:

By adding to the end thereof the following words: "So as to correct an error in said section defining the boundaries and defining the jurisdiction of the county of Sullivan;"

Which was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of the bill.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Comstock, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 198, "a bill to prohibit owners or those who have the management or control of certain stock from allowing the same to run at large, and prescribing penalties therefor," have had the same under consideration, and recommend that the word "ten" be stricken out of the first section and the word "three" be inserted in its stead. Also, that the same section be further amended by adding the following: "*Provided*, That no court or jury shall assess a greater sum for any one breach of this act than is herein provided for one day," and when so amended recommend its passage.

Mr. Sullivan moved the previous question;  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was so ordered.

The question being on concurring in the report and adopting the amendments recommended by the committee;  
It was agreed to.

The bill was then ordered to be engrossed.

Mr. Robinson, from the committee on the sinking fund, made the following report :

MR. SPEAKER :

The committee on the sinking fund, to whom was referred so much of the Governor's message as relates to the sinking fund, have had the same under consideration, and have directed me to make the following report :

The Legislature having already made provision for the repayment of the loans made from the sinking fund by the State, in accordance with the recommendation of the Governor, no further legislation on that subject is necessary. The committee have however thought some additional enactments necessary for the proper and safe management of the fund, and have accordingly instructed me to report the following bills, and recommend their passage.

No. 282. A bill concerning the sinking fund and its management, and prescribing the powers and duties of the sinking fund board and its officers

Which was read a first time and passed to a second reading.

No. 283. An act revising the thirty-third section of the first chapter of the revised code of 1852, prescribing where suit may be brought in certain cases therein named,

Was read a first time and passed to a second reading.

No. 284. A bill establishing fees for duties performed in the Sinking Fund Office, and in connection therewith.

Which was read a first time and passed to a second reading.

No. 285. A bill authorizing the redemption of lands mortgaged or that may be mortgaged to the sinking fund or other trust funds, and the re-instating of mortgages in certain cases therein named, and to provide a remedy against bidders failing to comply with the terms of sale in cases of land sold by the sinking fund commissioners.

Which was read a first time and passed to a second reading.

Mr. Griffin moved to take up House bill No. 219, and refer the same to the committee on claims ;

Which was agreed to.

Mr. Stanfield, from a select committee, obtained leave and made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 142, a bill to authorize the boards of county commissioners of the

several counties of this State to make such an allowance out of the county treasuries of their respective counties as will indemnify the owners of property for loss sustained by the taking, carrying away or destruction of such property by any officer, by virtue of the provisions of an act entitled "an act to prohibit the manufacture of and sale of spirituous and intoxicating liquors, except in the case therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 14, 1855, and to re-imburse the officers named in said act, who in good faith have executed the provisions thereof, and been subject to loss thereby, have had the same under consideration, and recommend the following amendments thereto:

Add the following additional proviso to the first section:

*Provided further*, That no allowance shall be made where the case has been barred by the statute of limitations, nor unless there is a clear liability on the part of the officer.

Add the following as a third section to said bill:

Sec. 3. That whenever any proceedings for a writ of habeas corpus shall have been instituted by any person imprisoned under the provisions of the said act directed to any officer detaining such person in custody, and such officer shall have been adjudged to pay the costs of such proceeding, the said board of commissioners are hereby authorized and empowered to allow such officer the sum or sums of money he may have been compelled to pay as aforesaid.

Make the third section of said bill the fourth section thereof, and when said amendments are adopted said committee recommend the passage of said bill;

The report was concurred in, and the amendments adopted.

Mr. Stanfield moved that the amendments be considered as engrossed and the bill read a third time now;

Which was agreed to.

House bill No. 142 was then read a time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Comstock, Cotton, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Hall of Rush, Harrison, Hunter, Jones, Knowlton, Lawhead, Lewis, Mansfield, Massey, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Row, Scott, Shields, Shockley, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Usrey, Waterman, Wildman and Mr. Speaker—56.



*Those who voted in the negative were,*

Messrs. Austin, Boyd, Boxley, Collier, Durham, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harney, Hartley, Jefferis, Jordan, Johnston, Kelly, McLain, Power, Sherman, Shull, Snyder, Tebbs, Treadway, Wheeler, Whetzel, Whiteman and Wood—27.

So the bill passed.

Mr. Stanfield moved the following amendment to the title:

Amend by adding "and authorizing an allowance to officers who have paid costs in cases of habeas corpus under said act;"  
Which was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of the bill.

Mr. Gifford, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have duly examined House bills Nos. 64 and 177, and find them correctly engrossed.

Mr. Dobbins moved to suspend the order of business and take up message from the Senate, containing Senate bill No. 145;  
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 145. A bill to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act;

In which the concurrence of the House is respectfully requested.

Senate bill No. 145, contained in the foregoing message, was read a first time.

Mr. Dobbins moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Branham Brotherton, Carr, Cavins, Claypool, Clark, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Knowlton, Lawhead, Lewis, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parrett, Prosser, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Sullivan, Summers, Thompson of Elkhart, Treadway, Turpie, Usrey, Wood and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Durham, Kelly, Power, Stanley, Stiles, Tebbs, Waterman, Whetzel and Wildman—11.

So the rule was suspended and the bill read a second time by its title.

Mr. Dobbins moved to include Senate bill No. 145 in the special order of the day for this afternoon, at 2 o'clock;

Which was agreed to.

Mr. Davis moved to take up House bill No. 249:

Which was agreed to.

No. 249. A bill to change the time of holding the common pleas courts in the counties of St. Joseph, Marshall and Starke, and fixing the length of the terms thereof.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Comstock, Cotton, Davis, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Power, Prosser, Robinson, Row, Scott, Sherman, Shields,

Shockley, Skull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Turpie, Usrey, Waterman, Whetzel, Wood and Mr. Speaker—74.

No one voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Murray moved that Messrs. Waterman and Clark be added to the committee on claims;

Which was agreed to.

Mr. Cotton, from a select committee, obtained leave and made the following report:

**MR. SPEAKER:**

The select committee to which was referred House bill No. 137, a bill to amend the 24th section of an act entitled an act concerning real property, approved May 6, 1852, and adding an additional section legalizing conveyances heretofore made by married women under the age of twenty-one years, have had the same under consideration and have directed me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Murray, by consent from the select committee on printing reported bill

No. 286. A bill to fix the price that shall be paid for printing notices required by law, and defining penalties for a violation thereof.

Which was read a first time and passed to a second reading.

Mr. Devol obtained leave and introduced House bill,

No. 287. A bill providing for the extension of the buildings of the Hospital for the Insane, and authorizing a loan of money for that purpose;

Which was read a first time and passed to a second reading.

Mr. Jones obtained leave and introduced House bill

No. 288. A bill authorizing the payment of a reward for the discovery of the cause of the disease commonly known as "milk sickness;"

Which was read a first time and passed to a second reading.



Mr. Brotherton, from the committee on the rights and privileges of the inhabitants of this State, obtained leave and made the following report :

MR. SPEAKER .

The committee on the rights and privileges of the inhabitants of this State, to whom was referred House bill No. 263, entitled an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852, and to define other misdemeanors, and prescribe the punishment therefor, have had the same under consideration and have directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Prosser obtained leave and introduced House bill

No. 289. . A bill to amend section 20 of an act entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, approved May 13th, 1852.

Which was read a first time and passed to a second reading.

Mr. Griffin, from the committee on the rights and privileges of the inhabitants of this State, obtained leave and made the following report :

MR. SPEAKER :

The majority of the committee on rights and privileges, to whom was referred House bill No. 32, entitled a bill for the redemption of real estate sold on execution or order of sale, issued out of any court, and defining the duties of the officer or person selling the same, have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

Mr. Brotherton, from the same committee, made the following report :

MR. SPEAKER :

The undersigned, a minority of the committee on rights and privileges, to whom was referred House bill No. 32, entitled a bill for the redemption of real estate sold under execution or order of sale issued out of any court, and defining the duty of the officer or person selling the same," have had the same under consideration, and dissent from the recommendation of the majority, and would recommend that the bill be laid on the table.

W. BROTHERTON,  
H. NELSON,  
T. J. MERRIFIELD.

Mr. Hunter moved to refer the bill to the committee on the judiciary,

Which was agreed to.

Mr. Snyder obtained leave and introduced House bill

No. 290. A bill to repeal the sixth section of an act entitled an act concerning promissory notes and bills of exchange.

Which was read a first time and passed to a second reading.

Mr. Gordon obtained leave and offered the following preamble and resolution :

WHEREAS, The seventeenth section of article five of the State Constitution provides that the Governor may grant reprieves and pardons, and remit fines and forfeitures, and that "he shall report to the General Assembly at its next meeting, each case of reprieve, commutation or pardon, granted, and also the names of all persons in whose favor remissions of fines and forfeitures shall have been made, and the several amounts remitted ; "

AND WHEREAS, No such report has been made to the General Assembly, therefore,

*Resolved*, That the Governor be requested to lay before this House the information contemplated by the aforesaid section of the Constitution.

Which was agreed to.

On motion by Mr. Murray,  
The House adjourned until 2 o'clock. P. M.

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2 o'clock, P. M.

The House met.

The hour having arrived the House proceeded to consider the

#### SPECIAL ORDER OF THE DAY.

House bill No. 87. A bill to amend sections five, six, eleven and eighteen, and to repeal section eight of an act entitled "an act

for the more uniform mode of doing township business," approved May 6, 1852. Also,

Senate bill No. 145. A bill to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act.

Mr. Hunter moved that House bill No. 116 be considered in connection with the foregoing bills.

Which was agreed to.

Mr. Dougherty moved that House bills Nos. 87 and 116 be laid on the table.

Which was agreed to.

The House then proceeded to consider Senate bill No. 145.

Mr. Harney moved to amend section three by inserting after the word "townships," the words "and road districts."

Which was agreed to.

Mr. Hunter moved to amend section four by inserting after the word "corporate," where it occurs, the words "for school purposes."

Mr. Mellett moved to lay the amendment on the table.

Messrs. Hunter and Nebeker of Warren demanded the ayes and nays.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Comstock, Cotton, Davis, Dobbins, Durham, Devol, Early, Eastham, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Harrison, Hartley, Jefferis, Knowlton, Major, Mansfield, Massey, Mellett, Murray, Martin, Nelson, Newton, Parrett, Power, Row, Ryner, Scott, Shields, Shockley, Smith of Miami, Smith of Perry, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wildman and Wood—58.

*Those who voted in the negative were*

Messrs. Black, Boyd, Collier, Dougherty, Edwards, Gifford, Hamilton of Boone, Hunter, Johnston, Jordan, Keefer, Kelly, Lewis, McLain, Nebeker of Vermillion, Nebeker of Warren, Prosser, Robinson, Shull, Treadway, Wheeler and Whetzel—22.

So the amendment was laid on the table.



Mr. Comstock moved to amend section five by striking out the words "a township trustee" where they occur, in the fifth line of said section, and insert in lieu thereof the words, "three township trustees," and amend the section in conformity thereto.

Mr. Prosser moved to lay the amendment on the table.

Messrs. Prosser and Jones demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boyd, Branham, Carr, Cavins, Claypool, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Griffin, Hamilton of Boone, Harney, Harrison, Hunter, Jordan, Keefer, Lawhead, Lewis, Mansfield, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Robinson, Row, Shields, Shockley, Stiles, Sullivan, Summers, Usrey, Wood and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Brotherton, Clark, Clayton, Comstock, Cotton, Davisson, Durham, Firestone, Gifford, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hartley, Jeffries, Johnston, Jones, Kelly, Knowlton, McLain, Major, Massey, Murray, Nebeker of Warren, Power, Rynerson, Scott, Shull, Smith of Miami, Stanley, Thompson of Eikhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Wildman and Whiteman—40.

So the amendment was laid on the table.

Mr. Collier moved to amend the sixth section by "striking out the third specification of duties."

Which was agreed to.

Mr. Hamilton of Boone moved to amend the sixth section by "striking out the fourth specification."

Which was agreed to.

Mr. Sullivan moved to amend by adding after the word "road" in the seventh specification, the word "school," and after the word "supervisor" in said specification, the words "and schools."

Which was agreed to.

Mr. Hall of Grant moved to amend in the proper place so that the said trustee, or trustees, obtain from the township assessor a list of each person's taxables in said township, and said trustee shall therefrom make out a list of each person's road tax, and

hand the same over to the several supervisors in his township by the first day of August.

Which was not agreed to.

Mr. Durham offered the following amendment :

"Amend in the proper place so as to leave the location of school houses to the majority of the popular vote of the various school districts."

Which was not agreed to.

Mr. Clements moved to amend the sixth section by striking out the second specification.

Mr. Cavins moved to lay the amendment on the table.

Which was agreed to.

Mr. Hamilton of Boone moved to amend the sixth section by adding the following specification :

"And shall have power to administer oaths when necessary in the discharge of the duties of his office."

Which was agreed to.

Mr. Sullivan moved to amend section seven by adding after the word "elections," in the first line, the words "and shall, with the consent of a majority of the electors present, appoint the judges and clerks thereof of the township or precinct of which he is inspector."

Which was not agreed to.

Mr. Hunter moved to amend section eight by striking out after the word "for," where it appears the first time, the following words, "township roads and other purposes," and inserting the following: "The payment of such trustee, the construction and repair of school houses, and for the providing of furniture and fuel therefor." And after the word "such," where it last occurs in the section, strike out the words, "township road, and other taxes," and insert the word "tax."

Which was not agreed to.

Mr. Austin moved to amend the eighth section by striking out the words "board of county commissioners," and insert the word "tax-payers."

Which was not agreed to.

Mr. Hunter moved to amend the tenth section as follows :

By adding the following words :

"Which report shall be verified by his affidavit ;"

Which was agreed to.

Mr. Hamilton of Boone, moved to amend section eleven as follows:

Strike out the words "shall on the following Monday," and insert "and shall within five days thereafter;"

Which was agreed to.

Mr. Prosser moved to amend the eleventh section as follows:

By striking out the words "or by publishing the same in some newspaper published in his township;"

Which was agreed to.

Mr. Hunter moved to amend section fourteen by striking out after the word "exceed" the following words, "one dollar and fifty cents per day for all time necessarily employed," and insert the following: "twenty dollars per annum."

Mr. Prosser moved to lay the amendment on the table.

Messrs. Hunter and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Branham, Brotherton, Carr, Cavins, Clayton, Claypool, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Harney, Harrison, Jordan, Keefer, Lawhead, Lewis, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Prosser, Robinson, Row, Rynerson, Shields, Shockley, Smith of Miami, Smith of Perry, Stiles, Sullivan, Summers, Usrey, Wood and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Boxley, Clark, Cotton, Davisson, Durham, Gifford, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, McLain, Massey, Murray, Nebeker of Warren, Power, Scott, Shull, Stanley, Tebbs, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzel and Wildman—32.

So the amendment was laid on the table.

Mr. Hamilton of Boone, moved the following amendment:

Strike out section 14 and insert the following:

Sec. 14. The trustee, at the time of settling with the board of county commissioners as provided in section eleven of this act, shall file with said board an itemized statement verified under oath



of his charges and services as trustee upon which said commissioners shall allow him such fees as may be fixed by law to be paid out of the funds of the proper township;

Pending which,

On motion by Mr. Scott,

The House adjourned till to-morrow 9 o'clock, A. M.

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THURSDAY MORNING, 9 o'clock, }  
February 17, 1859. }

The House met.

The Clerk proceeded to read the Journal,

When,

On motion by Mr. Colgrove,

The further reading was dispensed with.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Summers,

A petition from sundry citizens of Harrison county, praying for the enactment for a law in reference to a certain claim therein named;

Which was,

On motion,

Referred to the committee on claims.

By Mr. McLain,

A petition signed by William Heming, praying the Legislature to indemnify him for expenses incurred as sheriff of Allen county, in arresting fugitives from justice;

Which,

On motion,

Was referred to the committee on fees and salaries.

By Mr. Griffin,

A petition by George W. Lawrence, of Lake county, in reference to a claim in his favor and against the State of Indiana;

Which was,

On motion,

Referred to the committee on claims.

By Mr. McLain,

A petition signed by sundry citizens of Allen county, in regard to the Wabash and Erie Canal.

Mr. Dobbins moved to lay the petition on the table;

Which was agreed to.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 251, a bill relative to conveyances made to the purchasers of lands sold by executors, administrators or guardians, have had the same under consideration and instruct me to report the same back to this House recommending its passage,

The report was concurred in and the bill ordered to be engrossed.

Mr. Colgrove, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 259, a bill to amend section 22 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, have had the same under consideration, and instruct me to report the same back recommending its passage:

The report was concurred in, and the bill ordered to be engrossed.

Mr. Mellett, from the same committee, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 278, a bill fixing the times of holding courts in the eleventh judicial circuit and prescribing the length thereof, in each county thereof, have had the same under consideration, and instruct me to report the same back for the consideration of the House, and would ask that your committee be discharged from the further consideration of the subject ;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Davis, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a petition requesting this honorable body to inquire into the constitutionality of section six of an act regulating the fees of officers, have had the same under consideration, and instruct me to report the same back to this House, and recommend that it be laid on the table.

The report was concurred in.

Mr. Hartley, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of John H. Ohr, upon expenses incurred in arresting one James Gibson, alias James Ames, a fugitive from justice, upon a requisition of the Governor of Indiana upon the Governor of Ohio, in the year 1856, have had the same under consideration, and request me to report it back, and recommend the payment of the same.

The report was concurred in.

Mr. Waterman, from the committee on claims, made the following report :

MR. SPEAKER :

The petition of John E. Foudray, asking that he be paid the sum of \$268 15, for expenses and time in arresting Henry Brooklocker, a fugitive from justice, under a requisition from the Governor, (the said Brooklocker having fled to the Territory of Kansas and was there taken,) have had the same under consideration, and a majority of said committee have directed me to report that, in their opinion, the said Foudray should be allowed, and is justly



entitled to the sum of \$188 15, that being the sum actually paid out by him as expenses, and they recommend that the same be referred to the committee on ways and means, with instructions to make provisions for its payment in the specific appropriation bill.

The question being on concurring in the report.

Mr. Hamilton of Boone and Jones demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Early, Eastham, Edwards, Fordyce, Gregory, Hamilton of Wayne, Jordan, Knowlton, Lawhead, Mansfield, Merrifield, Miller, Murray, Nelson, Newton, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Smith of Miami, Snyder, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Turpie, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs Austin, Cavins, Gifford, Hamilton of Boone, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Lewis, Nebeker of Vermillion, Nebeker of Warren, Parks, Shields, Shull, Thompson of Madison, Treadway, Usrey and Wood—20.

So the report was concurred in.

Mr. Wildman, from the committee on claims, made the following report:

**MR. SPEAKER:**

Your committee, to whom was referred the claim of Thomas Johnson, have had the same under consideration, and a majority of the committee have directed me to report the same back, and recommend that the committee of ways and means provide for the payment of the same in the specific appropriation bill;

Which was not concurred in.

Mr. Wildman, from the same committee, made the following report:

**MR. SPEAKER:**

The committee on claims, to whom was referred the petition and claim of Charles E. Smith, for services rendered and expenses

incurred in the arrest of Samuel Asher, a felon and desperado, and a fugitive from justice, late of the county of Lagrange, having considered and investigated the claim of the petitioner, and respectfully report that the services rendered and expenses incurred by the petitioner are true, and that inasmuch as he was acting under a requisition made by the Governor of the State of Indiana, they recommend that his claim be allowed.

Which was concurred in.

Mr. Dobbins, by leave, moved to take from the table the petition presented by Mr. McLain, in relation to the abandonment of the Wabash and Erie Canal;

Which was agreed to.

The petition was then referred to the committee on canals.

On motion,

Mr. Sullivan was added to the select committee on House bill No. 238.

Mr. Prosser moved that the order of business be suspended to allow him to introduce a bill.

Messrs. Dougherty and Collier demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Bowman, Branham, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Hall of Rush, Hamilton of Boone, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, Mansfield, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Row, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Brotherton, Comstock, Gregory, Griffin, Hall of Grant, Hamilton of Wayne, Jefferis, McLain, Mellett, Usrey and Whiteman—15.

So the rule of business was suspended, and Mr. Prosser introduced

House bill No. 291. A bill to provide the mode of taxing the

Bank of the State of Indiana, to repeal the fifteenth section of its charter, and to prohibit said bank from issuing on its deposits.

Which was read a first time.

Mr. Hamilton of Boone moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were*

Messrs. Black, Bowman, Boyd, Boxley, Branham, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Brotherton, Carr, Gregory, and Hamilton of Wayne—6.

So the rule was suspended and the bill read a second time by its title.

Mr. Hamilton of Boone moved to refer the bill to a select committee of five;

Which was agreed to.

The Speaker appointed Messrs. Hamilton of Boone, Prosser, Dougherty, Hunter and Davis said committee.

Mr. Merrifield moved to suspend the order of business, and take up House bill No. — on its second reading;

Which was not agreed to.

Mr. Black moved to suspend the order of business, and take up House bill No. 278;

Which was agreed to.

Mr. Black moved to refer the bill to a select committee of five;

Which was agreed to.



The Speaker appointed Messrs. Black, Hall of Grant, Firestone, Comstock and Knowlton said committee.

Mr. Griffin, from the committee on fees and salaries, made the following report:

**MR. SPEAKER:**

The committee on fees and salaries, to whom was referred House bill No. 242, entitled "an act in relation to fees and salaries of county auditors, treasurers and clerks, fixing their compensation for services, and repealing all laws in conflict therewith," have had the same under consideration, and instruct me to report the same back, and recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Edwards, from the committee on benevolent institutions, made the following report:

**MR. SPEAKER:**

The committee on benevolent institutions to whom was referred the memorial of Hon. David McDonald and other citizens of Marion county, have considered the same and in obedience to the prayer thereof, directed me to report the following bill and to recommend its passage.

No. 292. A bill requiring preference to be given to graduates of the Institution for the education of the Blind, and for the deaf and dumb desiring employment in said institutions.

Which was read a first time and passed to a second reading.

Mr. Boyd, from the committee on benevolent institutions, made the following report:

**MR. SPEAKER:**

The committee on benevolent institutions to whom was referred House bill No. 204, an act entitled "an act prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons in their respective townships," and prescribing the duties of county auditors and the Auditor of State relative thereto, have had the same under consideration and authorized me to report the bill back to this House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Claypool, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed bills of the House Nos. 209, 255, 257, 258, 125, 206, 208, 212, 253, and 262, compared them with the originals and find the same correctly engrossed.

Mr. Scott, from the committee on fees and salaries, made the following report :

MR. SPEAKER:

The committee on fees and salaries to whom was referred House bill No. 162, "A bill to amend section four of an act entitled "an act to provide for the election and certain of the duties of the prosecuting and district attorneys," have had the same under consideration and have directed me to report the same back to this House and recommend that it be laid on the table.

Which was concurred in and the bill laid on the table.

Mr. Scott, from the committee on fees and salaries, made the following report :

MR. SPEAKER:

The committee on fees and salaries to whom was referred resolution No. 22, which reads as follows : "*Resolved*, That the committee on fees and salaries be instructed to revise the laws regulating fees and salaries, so as to make the proceeds of the several offices more equal to the amount of labor and responsibility connected therewith, reducing such as now receive too much and advancing those that receive too little for their labor," have had the same under consideration and direct me to report the same back to the House and recommend that the resolution be laid on the table, as in the opinion of your committee legislation on the subject is inexpedient.

The report was concurred in and the bill laid on the table.

Mr. Scott, from the same committee, made the following report :

MR. SPEAKER:

The committee on fees and salaries to whom was referred a resolution of the House which reads as follows : "*Resolved*, That the committee on fees and salaries be instructed to inquire into the expediency of so amending the law as to provide that the fees and salaries, including perquisites of the county treasurers and auditors, shall not exceed fifteen hundred dollars in any one year, and

report by bill or otherwise," have had the same under consideration and directed me to report the same back to the House and recommend that the same be laid on the table, as in the opinion of your committee, further legislation on the subject is inexpedient.

Which was concurred in.

Mr. Hamilton of Boone moved to suspend the order of business and take from the table House bill No. —.

Which was not agreed to.

Mr. Smith of Miami, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations to whom was referred House bill No. 89, to amend section third of an act to incorporate the town of Peru, approved February 14, 1848, have had the same under consideration and direct me to report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Turpie, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 266, " a bill to provide for the transfer from the court of common pleas to the circuit court, of certain cases wherein the court of common pleas has no jurisdiction," have had the same under consideration and instruct me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Griffin, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined engrossed bill of the House No. 178 and find the same correctly engrossed.

Mr. Griffin, from the committee on engrossed bills, made the following report :



**MR. SPEAKER:**

The committee on engrossed bills have examined engrossed bills Nos. 47, 55 and 56, and find them correctly engrossed.

**REPORTS FROM SELECT COMMITTEES.**

Mr. Power, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee, to whom was referred House bill No. 199, "to create the fifteenth judicial circuit and to fix the time of holding courts therein," have had the same under consideration and have directed me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Whiteman, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred House bill No. 151, repealing all laws authorizing the waiving of all valuation and appraisement laws on property sold on execution, have had the same under consideration and a majority have instructed me to report the same back to the House and recommend its passage.

Mr. Dougherty moved to refer the bill to the committee on the judiciary.

Which was agreed to.

Mr. Wildman, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred House bill No. 68, a bill to repeal an act entitled "an act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons," have had the same under consideration and directed me to report the same back and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Parrett made the following report from a select committee:

MR. SPEAKER :

The select committee to whom was referred House bill No. 21, entitled "a bill providing for voluntary assignment of real and personal property in trust for the benefit of creditors, and regulating the mode of administering the same," have had the same under consideration and recommend the following amendments thereto, to-wit:

Amend by striking out all of section sixteen, and also amend by striking out section thirteen and insert in lieu thereof the following:

SEC. 13. Any part of the property assigned on which there are liens or encumbrances, may be sold by the trustee, subject to such liens or encumbrances, but in case the trustee should be satisfied that the general fund would be materially increased by the payment of such liens or encumbrances, he shall make application by petition to the judges of the common pleas court so to do, and abide its order in that behalf. Before the holder of any lien or encumbrance shall be entitled to receive any portion of his debt out of the general fund, he shall proceed to enforce the payment of his debt by sale or otherwise, if the property on which such lien or encumbrance exists, and for the residue of such claim, such holder of such lien or encumbrance shall share *pro rata* with the other creditors, if entitled so to do by the laws of this State.

The committee further instruct me to say that, in their opinion, there is a pressing necessity for the passage of a law regulating assignments. And while the bill herewith returned may not be in all respects perfect, they believe that its passage would tend greatly to the prevention of the frauds, with the evils resulting therefrom, so constantly committed by the present mode of unrestrained preferences given by debtors to favorites, and in many instances to mere pretended creditors.

The committee therefore recommend the passage of this bill.

The report was concurred in, and the bill as above amended ordered to be engrossed.

Mr. Mellett, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred House bill No. 216, "a bill to prohibit intermarriage of consanguinity," have had the same under consideration, and request me to report the same back to this House and recommend its passage.

Mr. Dougherty moved to refer the bill to the committee on the judiciary.

Which was agreed to.

Mr. Wildman, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 224, "a bill to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms, and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seeds," have had the same under consideration and directed me to report the same back and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Sullivan, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 238, "an act to authorize the erection of Magdalene Asylums," have had the same under consideration and direct me to report the same back to the House and recommend its passage.

Mr. Snyder made the following minority report from the same select committee :

MR. SPEAKER :

The undersigned, members of the special committee to whom was referred House bill No. 238, entitled a bill to authorize the erection of House of Refuge for penitent prostitutes, have had the same under consideration, and report that they deem the proposition embraced in the bill visionary in character and utterly impracticable in its details, and respectfully recommend the indefinite postponement of the subject.

SNYDER,  
WATERMAN.

The question being on concurring in the majority report ?

Mr. Dobbins moved to lay the bill and reports upon the table.  
Which was agreed to.

Mr. Miller, from a select committee on public printing, made the following report :

MR. SPEAKER :

The select committee on public printing have had under consid-



eration the prices to be paid to State Printer, and have directed me to report the following bill relative thereto, and recommend its passage :

No. 293. A bill fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act :

Which was read a first time and passed to a second reading.

Mr. Ritter, from the committee on public expenditures, made the following report :

MR. SPEAKER :

The committee on public expenditures have had under their examination the accounts of the last three Auditors, Treasurers and Secretaries of State, and finding therein certain expenditures which are not, in their opinion, authorized by law, submit the following report :

Amounts received by the Auditor, Treasurer and Secretary of State during the past six years, embracing the terms of Messrs. Dunn, Talbott and Dodd of two years each term, of Newland, Nofsinger and Jones, and Hayden, Collins and McClure.

*Amount received by Auditor Dunn.*

Making out tract books and maps under swamp land acts .....	\$200 00
Incidental expenses in making out maps .....	200 00
Making plats, tracts, books, &c .....	200 00
Distributing maps, tract books, &c., to counties ....	220 00
Salary .....	320 00
In part for duplicate tract books, &c .....	200 00
Expenses relative to maps, tract books, &c., to the Vincennes and Jef. land district .....	75 00
Salary .....	166 66
Salary .....	250 00
Salary .....	250 00
Map of swamp lands furnished Jasper county .....	12 00
Salary .....	250 00
Salary .....	250 00
Postage .....	50 00
Postage .....	50 00
Salary .....	250 00
Postage .....	50 00
Telegraph dispatches .....	8 56
For 12,000 patents issued .....	6,000 00
Postage .....	50 00

Services attending to Michigan road lands for two years, under act of 1831 .....	\$100 00
Maps and tract books for swamp land .....	3,441 10
Abstract of swamp lands, &c., for taxation .....	1,094 15
Salary .....	250 00
Postage .....	50 00
Per cents. from 1853 to 1855, Auditor and Treasurer	1,772 18
List of lands sold for taxation .....	918 30
Patents and assignments .....	3,356 50
Salary .....	68 37
Drainage .....	401 64
Excess charges for 1853 .....	16 50
By mandamus from Marion Circuit Court .....	3,976 89
	<hr/>
	\$24,597 85

*Amount received by Auditor Talbott.*

Postage .....	\$100 00
Furnishing lists of lands for taxation .....	158 60
Sundries furnished .....	84 05
Issuing swamp land certificates .....	1,281 00
Salary .....	2,000 00
Salary under free banking law .....	1,500 00
Auditors and Treasurers per cent .....	263 64
Postages .....	100 00
Expenses .....	125 00
Expenses of managing college funds .....	266 83
Issuing swamp land certificates .....	1,146 50
Expenses, &c .....	100 00
Map furnished .....	30 00
Salary .....	500 00
Salary free banking department .....	750 00
Postage .....	250 00
Postage, 4 months .....	300 00
Postage .....	50 00
Postage .....	85 00
Map, field notes and tract book for Boone county ..	350 00
Issuing swamp land certificates .....	2,081 50
Furnishing lists of swamp, canal, &c., lands for taxation .....	406 00
Salary .....	500 00
Salary in free banking department .....	750 00
Sundries furnished .....	15 30
Auditors and Treasurers per cent. on trust funds ..	442 11
Postages .....	15 00
Postage .....	50 00
Services under act of 1831, Michigan road lands ..	100 00
	<hr/>
	\$17,600 53

*Amount received by Auditor Dodd.*

Subscriptions to Banker's Magazine and Journal of Commerce.....	\$14 00
Postage .....	50 00
Postage.....	50 00
Postage .....	50 00
Postage .....	50 00
Salary .....	500 00
Salary in free bank department.....	750 00
Issuing patents.....	1,006 00
Postage.....	50 00
Per cent. for distributing swamp land fund.....	2,446 80
Postage .....	50 00
Postage .....	50 00
Postage .....	50 00
Postage .....	50 00
Incidental expenses.....	47 50
Postage.....	50 00
Incidental expenses.....	9 58
Postage, &c.....	71 25
Salary .....	500 00
Salary in banking department .....	750 00
Issuing swamp land certificates.....	1,648 00
Certifying swamp, canal and government lands for taxation.....	435 20
For Journal of Commerce .....	14 00
Postage .....	50 00
Postage .....	50 00
Salary in banking department .....	375 00
Postage.....	50 00
Postage .....	50 00
Postage .....	50 00
Salary .....	250 00
Salary in banking department .....	375 00
Postage .....	50 00
Postage .....	50 00
Incidental expenses.....	42 90
Salary .....	250 00
Salary in banking department, &c.....	375 00
Expenses to New York, to make loan .....	80 00
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	\$13,282 13

*Amount received by Treasurer Newland.*

Salary ..	\$266 00
Salary .....	166 67
Salary .....	250 00



Postage.....	26 46
Salary .....	250 06
Salary .....	250 00
Salary .....	250 00
Coal for office.....	50 41
Repairs in office .....	20 50
Fuel for office.....	140 00
Salary .....	500 00
Services relative to lost bonds.....	170 93
Fuel and stationery.....	40 06
Balance on salary .....	107 14
Per cent. allowed by the Legislature.....	2,650 11
Claimed under act of 1831, sec. 12, page 116.....	100 00
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	\$5,238 28

*Amount received by Treasurer Nofsinger.*

Loss on money taken by E. Newland late Treasurer	\$789 42
Express charges.....	12 75
Fuel and stationery.....	69 75
Swamp land warrant taken from E. Newland.....	50 00
Sundries for Treasurer's office.....	22 57
Fuel and stationery.....	50 85
Miscellaneous.....	167 40
Expenses pertaining to official duties.....	50 00
Freight and salvage paid by him.....	230 70
Sentinel, Journal and New York paper for two years	36 00
Express charges...	127 08
Fuel and stationery ...	50 00
Salary for two years.....	2,000 00
Salary under free banking laws.....	1,600 00
Allowance from swamp land fund under specific ap- propriation bill, section 99, 1857.....	2,149 83
Sundries furnished.....	27 00
	<hr/>
	\$7,442 45

*Amount received by Treasurer Jones.*

Expenses to Logansport.....	\$12 00
Postage.....	3 73
Box rent and gas bill.....	6 18
Incidental expenses, postage, &c.....	197 84
Expenses to Monticello .....	8 10
Expenses to Logansport.....	4 25
One-half per cent. on \$2,446 80 of swamp land fund distributed.....	1,223 40
Salary one year.....	800 00

Incidental expenses .....	87 95
Incidental expenses .....	132 73
Expenses to Vincennes .....	50 00
Incidental expenses .....	153 29
Expenses to Logansport, Rensselleur and Chicago..	76 50
Freight and stationery .....	125 25
Expenses to New York to buy stationery .....	75 00
Freight on stationery .....	4 75
Freight on stationery .....	14 06
Freight on stationery .....	9 60
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	\$2,984 63

*Amount received by Secretary Hayden.*

Salary, clerk hire, and preparing laws for distribution	\$399 33
Salary .....	133 33
Salary .....	200 00
Salary .....	200 00
Salary .....	200 00
Postage .....	27 06
Salary .....	200 00
Sundries for office .....	6 35
Postage .....	28 00
Salary .....	200 00
Postage .....	25 00
Enrolling laws .....	416 00
Services for two years under act of 1831, Michigan road lands .....	100 00
For 2,000 patents .....	1,000 00
Salary .....	200 00
Salary .....	33 33
Balance due for patents .....	809 50
Services required in miscellaneous matters .....	377 00
For 13,600 patents issued .....	6,300 00
	<hr/>
	\$10,854 92

*Amount received by Secretary Collins.*

Postage .....	\$30 00
Miscellaneous .....	75 00
Patents for swamp lands .....	1,039 50
Contingent .....	31 06
Salary .....	200 00
Patents for swamp lands .....	471 00
Postage .....	16 21
Postage .....	43 35
Salary .....	200 00

Patents for swamp lands .....	431 50
Postage .....	50 00
Postage .....	50 00
Salary .....	200 00
Salary .....	200 00
Patents for swamp lands .....	344 00
Postage .....	85 00
Salary .....	200 00
Affixing seal and affidavit .....	92 00
Attorneys fees in the case of Morrison <i>vs.</i> Secretary of State .....	50 00
Postage on patents .....	52 50
Salary .....	33 33
Issuing patents .....	2,037 50
Affixing seal to certain documents .....	788 40
Postage .....	25 00
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	\$6,745 35

*Amount received by Secretary McClure.*

Issuing and recording patents .....	\$317 00
Postage .....	35 00
Attesting certificates .....	118 00
Postage .....	25 00
Issuing and recording patents .....	670 00
Salary .....	400 00
Issuing patents .....	181 00
Postage .....	50 00
Postage .....	50 00
Salary .....	400 00
Postage .....	35 00
Postage .....	47 00
Salary .....	400 00
Issuing regulations .....	6 00
Attesting certificates .....	530 00
Issuing and recording patents .....	6,508 00
Salary .....	200 00
Recording patents .....	2,135 50
Issuing patents and attaching seal to Reynold's selec- tions .....	1,295 50
Affixing seal to certificates .....	142 00
	<hr/>
	\$13,545 00



## SUMMARY.

Auditor Dunn received as follows:

Postage .....	\$250 00	
Expenses .....	25 00	
Salary, fees, per cent., perquisites .....	24,322 79	
	<hr/>	\$24,597 85

Auditor Talbott received as follows:

Postage .....	\$1,050 00	
Expenses .....	324 35	
Salary, perquisites, fees, &c. ....	16,226 18	
	<hr/>	17,600 53

Auditor Dodd received as follows:

Postage .....	\$1,021 25	
Expenses .....	430 48	
Salary, fees, per cent., &c. ....	11,830 40	
	<hr/>	13,282 13

Treasurer Newland received as follows:

Postage .....	\$26 46	
Expenses, &c. ....	251 41	
Salary, &c. ....	4,960 31	
	<hr/>	5,238 28

Treasurer Noffsinger received as follows:

Postage .....	.....	
Expenses .....	\$1,672 62	
Salary, &c. ....	5,769 83	
	<hr/>	7,442 45

Treasurer Jones received as follows:

Postage .....	\$3 73	
Expenses .....	957 50	
Salary, &c. ....	2,023 40	
	<hr/>	2,984 63

Secretary Hayden received as follows:

Postage .....	\$80 06	
Expenses .....	6 35	
Salary, fees, &c. ....	10,768 51	
	<hr/>	10,854 9

Secretary Collins received as follows :

Postage .....	\$352 06	
Expenses .....	.....	
Salary, fees, &c. ....	6,393 24	
	<hr/>	6,745 35

Secretary McClure received as follows :

Postage .....	\$242 00	
Expenses .....	.....	
Salary, fees, &c. ....	12,007 50	
	<hr/>	13,545 00

These accounts do not embrace any amount received not appearing on the books of the auditor's office. The interest received by the Treasurers of State, the fees on commissions, &c., received by the secretaries and from the free banks by auditor Dunn cannot be ascertained, as there are no accounts kept of them on the auditor's books. But your committee desire the action of the House relative to the fees charged by the late Secretary of State, Mr. McClure. It will be seen that about five-sixths of them are received from the swamp land fund, and are nearly double those received by Mr. Collins.

The following are copies of the vouchers on file for the principal sums drawn by him :

"Swamp Land Fund, in account with Daniel McClure, Secretary of State,	DR.
1857 and 1858, To making attesting, sealing and issuing six thousand five hundred and eight swamp land patents .....	\$6,508 00
	DANIEL McCURE.

Indiana Swamp Land, to Daniel McClure, to balance of 50 ts. each on 4,271 patents issued and recorded since the approval of an act entitled "an act to amend an act regulating the fees of officers, and repealing former acts in relation thereto," approved February 19, 1857, \$2,135 50.

Without stopping to comment on the entire want of proper form of the vouchers, the want of numbers by which these patents might be distinguished from other patents, the committee direct the attention of the House to the charges made. The fee for issuing and recording each patent, received by Mr. Hayden and Mr. Collins, was 50cts., and by Mr. McClure \$1 00. Why this difference?

The deputy auditor informs the committee that these accounts of Mr. McClure were audited upon the opinion of the Attorney General, that the law of 1857 allowed the fees as charged. This opinion the committee have not seen, for it is in the possession of

the auditor, who at this time is in New York. But regarding the fee as unauthorized by that act, or any other, your committee proceed to state the various acts on the subject of the secretary's fees.

On May 29, 1852, the swamp land act was passed and it devolved on the auditor and secretary important duties, but provided no compensation for their discharge.

On the 14th of June following, an amendment was passed as a supplementary bill, section 3 and 4 of which are as follows:

Sec. 3. That it shall be the duty of the Auditor of State after such money is paid in the treasury, and the statement required by the first section of this act is filed in his office, to issue his certificate to the person or persons whose deposits have been paid into the treasury as aforesaid, certifying the description and quantity of the land so purchased, the name or names of the persons so purchasing, and the amount of money paid therefor.

Sec. 4. The patents required in this act and act to which this is supplementary shall be executed by the Governor, and issued and countersigned by the Secretary of State, and attested by the seal of said State upon the certificate of the Auditor of State, and shall also be recorded by said Secretary of State in books to be kept in his office, and for the services rendered by them respectively in issuing said patents, the Auditor and Secretary of State shall be entitled to the sum of fifty cents for each patent issued, payable out of the fund arising out of the sale of said lands. On the 16th day of June of the same R. S. 1852, page 280, an act was passed regulating the fees of officers. The first section declares "that the persons and officers herein mentioned shall be entitled to receive for their services the fees herein allowed, and no others, except otherwise provided by law." Among these officers is the Secretary of State, and his fees are as follows:

For recording each bond.....	\$0 25
For all copies of records, laws and papers per one hundred words.....	10
For each certificate and seal.....	50

Such fees to be paid by the persons for whom the services are rendered; *Provided, however*, Such secretary shall in no case be entitled to any fee as above provided, except when the services rendered are for a private person, and not for the State or any county, or officer of either except notaries public.

For issuing commission to notary public and recording his bond.....	\$0 75
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In 1855 acts, page 101, the general law relative to "fees and salaries" was re-enacted in full with some changes. The beginning of section 1, was the same as the act of 1852, the same as to the



fees of the Secretary of State, except for recording each bond, which was placed at \$2 25. The law concluded as follows:

Sec. 36. The act entitled "an act regulating the fees of officers," approved June 16, 1852, and all former laws in conflict with this act, or any part of it, be and the same is hereby repealed.

In 1857, Acts, page 38, the following law was passed:

An act to amend an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855, approved February 19, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sec. 6 of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855, which reads as follows, to-wit:

"The fees of the Secretary of State shall be as follows, to wit:

#### FEES OF SECRETARY OF STATE.

For recording each bond.....	\$2 25
For copies of laws, records and papers for each 100 words	10
For each certificate and seal.....	50
For issuing commission to notary public.....	75

Such fees to be paid by the persons for whom the services are rendered; *Provided, however*, Such secretary shall in no case be entitled to any fees above provided, except when the services rendered are for a private person, and not for the State or county, or officers of either, except notaries public," be and the same is hereby amended to read as follows, to-wit:

The fees for the Secretary of State shall be—

For recording each bond.....	\$2 00
For copies of all records, laws and papers per 100 words	10
For each certificate and seal.....	1 00
For issuing notarial commission.....	1 00
For issuing commission to a commissioner of deeds, and filing oath .....	3 00
For each attestation and seal.....	1 00

Such fees to be paid by the person for whom the services are rendered; *Provided, however*, Such secretary shall in no case be entitled to any fees above provided, when the services rendered are for the State or county or officers thereof."

These are the laws bearing on the question before us, and the committee now proceed to examine their legal effect.

By the supplementary act of June 14, 1852, the Secretary of State is required to issue and countersign the patent, attest it by the seal of the State and record it in a book, and for this service he is entitled to the sum of fifty cents, payable out of the swamp land fund.

The first question is, does the general act relative to fees and salaries, approved June 16, two days after the approval of this supplemental act, repeal or in any way modify the fee allowed by it to the secretary? Your committee believe it does not.

The prohibition contained in the general act, that the secretary should not be entitled to any of the fees specified therein against the State, or any county or officer of either, if applicable to the fee allowed on account of the patent, would exhibit the gross inconsistency in the General Assembly, that what it gave for special services on the 14th of June it refused to allow on the 16th of June. To so interpret the acts as to avoid such an inconsistency, is a well recognized rule of legal interpretation.

Again—the principal duty required by the supplemental act is to record the patent, but for making such record no fee is allowed in the general act. For these and other like reasons your committee believe that the supplemental act is one of those cases embraced in the provisions of the general act, which says “except otherwise provided by law,” that is, that no special fee allowed by a special act for a particular service, should be repealed by the general act. Both acts were therefore in force; and such is the construction that all the officers have placed upon it, because they all continued to take this fee of fifty cents, and the General Assembly have never objected to their action, although thousands of dollars have been paid out of the swamp land fund for it.

The second question is: does the repealing clause of the general law of 1855 repeal this supplementary act? That clause repeals the general law of 1852, and all other conflicting acts, but the supplementary act does not conflict with any of its provisions, for none of those is on the subject of the swamp land patents, and consequently does not provide any compensation for the important duties required and compensated by the supplementary act. Clearly, therefore, it is one of the acts exempted from conflict with the general law of 1855, which, like that of 1852, declares that all fees “otherwise provided by law” shall not be effected by the provisions of the general act. Both continued in force.

The third question is: does the law of 1857 repeal or modify this supplemental act of 1852? The act of 1857 modifies a single section of the act of 1855, and, in pursuance of the requisition of the constitution, sets it out in the amending law: but it does not set out, or in any way refer to section four of the supplemental act of 1852. If, therefore, it intended to change the fee of fifty cents for recording, &c., the patent, to one dollar, as claimed for it by Mr. McClure, it has not constitutionally effected such purpose. But that the law of 1857 was never intended to refer to swamp land patents is obvious, because, as in the general act of 1852 and 1855, it provides no fee for recording these patents, which is the principal duty intended to be paid for by the supplemental act of 1852.

But the act of 1857 also declares that the Secretary shall in no



case be entitled to any fees provided by it, when the services are rendered for the State or county, or officers thereof. This provision is in all the general laws relative to his fees, because the annual salary received by that officer has always been intended as payment for services rendered the State or county, or the officers of either—the fee allowed for recording swamp lands is an exception.

But Mr. McClure contends, it is said, that this service is not for the State or county, or the officers of either.

These facts show to the contrary: 1st. The swamp lands were donated by Congress to the State. 2d. The persons who sold them are declared "Agents of the State." 3d. On payment, the purchaser is entitled to a deed from the State. 4th. The Governor executes the deed, attested by the seal of the State. 5th. And, consequently, must execute the deed at its own cost. 6th. If not executed for the State, by what right does the Secretary draw his fees from the swamp land fund, out of the treasury of the State?

Entertaining these views of the law, your committee can arrive at no other conclusion, than that Mr. McClure has received on the first voucher \$3,254 00 more than he was entitled to receive. On the second voucher, which shows that he had already been paid fifty cents on the patents therein, he has received more than he should have \$2,135 50, making together \$5,389 50.

Your committee ask the attention of the House to the following vouchers, which contain, in their opinion, charges against the State, not authorized by law:

"State of Indiana,

To N. Hayden, Secretary of State,	Dr.
May 1, 1853, To sealing 500 copies of law, relating to commissioners of deeds. ....	\$253 00
To 117 joint resolutions to send to mem- bers of Congress .....	58 50
To 27 copies of laws sent to second, eighth and ninth judiciary circuit .....	13 50
To 1 for Switzerland county .....	50
To 1 for Vanderburgh and Warrick coun- ties each .....	1 00
1855, To 1,010 seals to State board at 5 cents each.....	50 50
Total .....	<u>\$377 00</u>

"State of Indiana,

To E. B. Collins, Secretary of State,	Dr.
1855, To affixing State seal to 91 copies of the law chang- ing the time of holding common pleas courts through- out the State .....	\$45 50
1855, To affixing State seal to 91 copies of common school laws .....	45 50



1855, To affixing State seal to 25 copies of joint resolutions, and sending to Representatives and Senators in Congress .....	26 00
1855, To affixing State seal and sending to clerks the laws changing the time of holding circuit courts in 2d, 5th, 8th, 9th and 11th circuits, and creating 12th and 13th circuits .....	23 00
1855, affixing State seal to 2,998 State bonds at 5 cents each .....	149 90
1855, To affixing State seal to 21 bonds, to settle Gibson township claim, Vincennes University .....	10 50
1855, To superintending printing acts and documentary journal of 1855, and indexing same .....	200 00
1855, To enrolling laws of 1855 .....	288 00
Total .....	<u>\$788 40</u>

ERASMUS B. COLLINS.

Indiana swamp land fund, To Daniel McClure,	Dr.
1857, November 9, To affixing seal and certificate to 40 certificates .....	\$40 00
1857, November 27, To affixing seal and certificate to 6 certificates .....	6 00
1857, December 15, To affixing seal and certificate to 19 certificates .....	19 00
1857, December 31, To affixing seal and certificate to 121 certificates .....	121 00
1858, January 9, To affixing seal and certificate to 54 certificates .....	54 00
1858, January 22, To affixing seal and certificate to 41 certificates .....	41 00
1858, March 3, To affixing seal and certificate to 65 certificates .....	65 00
1858, June 21, To affixing seal and certificate to 39 certificates .....	39 00
1858, July 21, To affixing seal and certificate to 59 certificates .....	59 00
1858, August 28, To affixing seal and certificate to 86 certificates .....	86 00
Total .....	<u>\$520 00</u>

DANIEL MCCLURE.

INDIANAPOLIS, OCT. 2, 1858.

Indiana swamp land fund, Dr.

To Daniel McClure, Secretary of State,  
For affixing seal and attestation to 142 certificates..... \$142 00  
August 21. 1859.

On account of swamp lands, the State of Indiana,

To Daniel McClure, Secretary of State,

To attesting and affixing the seal of State to 118 certificates of official character of a notary public to the proof, relative to swamp lands sold by the United State after the passage of an act of Congress, making the grant to the State of overflowed or swamp lands ..... \$118

DANIEL MCCLURE.

The above is correct, }  
ASHBEL P. WILLARD. }

A large portion of these charges are for affixing the seal of the State, and attesting certificates, acts, &c. Your committee know no law authorizing such charges. They are incidental to the operation of law, and are paid for by the annual salary to the Secretary, and are embraced in that provision of the general acts, regulating fees and salaries, which prohibits the Secretary of State from taking fees for services rendered for the State or county, or officers of either.

The last voucher shows that \$118 were paid to Mr. McClure, for attesting proofs required by the United States that the lands claimed by the State as swamp lands were entered between the passage of the swamp land act and the selection made of them by the State. There is no law authorizing payment for such services, and must therefore be regarded as paid for by the annual salary. If such payment was inadequate, the duty of the Auditor was not to audit the account, but to act as directed by the Revised Statutes of 1852, page 147. It directs him to "examine and liquidate the claims of all persons against the State, in cases where provisions for the payment thereof shall have been made by law; and when no such provisions, or an insufficient one, has been made, to examine the claim, and report the facts, with his opinion thereon, to the Legislature, &c.

The sums of these kind of services contained in the foregoing vouchers are as follows:

Hayden .....	\$377 00
Collins .....	300 40
McClure .....	790 00
Total .....	<u>\$1,467 40</u>

The committee also ask the attention of the House to the following over-payments made to Mr. Collins, while Secretary, for the swamp land patents recorded by him, but which had been issued by his predecessor, and left unrecorded. The facts of the case, as stated to the committee by Mr. Hayden, are these: He continued on the last days of his term of office, and up to twelve o'clock, M., on the first day of the term of Mr. Collins, to issue



patents, without being recorded, and when Mr. Collins took charge of the office, he desired of Mr. Collins to allow a clerk to record these patents; that he acceded to this request, but on the following morning would not permit the clerk to record them, saying he would do it himself. The number of these patents Mr. Hayden did not know, but he received payment for these as in all other cases.

What was their number, and did Mr. Collins receive payment, also, for recording them? were questions investigated by the committee.

The patents are numbered in three series, designated as north and west, south and east of the meridian line. Sixteen volumes of those north and west were recorded by Mr. Hayden, numbering from 1 to 7 869; nearly two volumes of those south, numbering from 1 to 856; and two volumes of those east, numbering from 1 to 4,950, making in all 13,675 patents.

The volumes of the north and west and south series are numbered together, making 18 volumes of these recorded by Mr. Hayden, 19, 20, 21, 22 and 29 patents in volume 23, show on their face that they issued in Mr. Hayden's time, but the date of their record shows that they were not recorded until after the commencement of the term of Mr. Collins. The next three or four volumes show that Mr. Collins apparently recorded patents in their regular order, commencing with the number where Mr. Hayden had left off, and after recording these, then recorded patents of a lower number, and apparently of those which Mr. Hayden had left unrecorded.

Including all recorded by Mr. Collins, during his term of office, the aggregate, as near as can be ascertained, is as follows: north and west 7,760, east 690, south 524, making a total of 8,974.

Mr. Hayden, as per vouchers, received payment for making patents to the number of .....	6,219
And recorded.....	13,675
<hr/>	
Leaving unrecorded.....	2,544
Mr. Collins recorded .....	8,974
And was paid for as per vouchers.....	8,647
<hr/>	
Leaving unpaid .....	327
Showing that the State was charged twice for.....	2,217 patents
Equal to.....	\$1,108 50

These facts satisfy the committee that just as Mr. Hayden was leaving office, and for a half day after the commencement of the term of Mr. Collins, he issued more patents than he could record, and thus anticipated business properly belonging to his successor. So long as such a course does not become a charge to the State, it will not interest itself about such contests. It is doubtless true



that Mr. Collins, as he was closing his term, anticipated all the business he could, but he left no unrecorded patents. But the course pursued by Mr. Hayden did not justify Mr. Collins in charging for recording these patents. He should either not have recorded them at all, or having done so, should have, in either case, referred the matter to the action of the General Assembly.

The vouchers of Mr. Hayden and Mr. Collins, covering most of these patents, are as follows :

" State of Indiana,		
To N. Hayden, Secretary of State,		DR.
From 1853 to 1855, For making 16,219 Swamp Land		
Patents at 50 cents.....	\$8,109 50	
1854, Cr. by Warrant No. 1868.....	\$6,300	
1854, Cr. by Warrant No. 1,816.....	1,000	
	<hr/>	7,300 00
Balance due.....		<hr/> \$809 50

The voucher for the warrant No. 1868 is as follows :

" State of Indiana,		
To N. Hayden, Secretary of State,		DR.
For making 12,600 patents for Swamp Lands.....		\$6,300 00
" The State of Indiana,		
To E. B. Collins, Secretary of State,		DR.
Feb. 2, 1855, To issuing and recording 79 Swamp Land		
patents north and east from 5,103 to 5,182 inclusive.	\$39 50	
To issuing and recording 12 Swamp Land patents north		
and west from 7,830 to 7,842 inclusive.....	6 00	
To issuing and recording 1,988 Swamp Land patents		
north and west from 7,870 to 9,858 inclusive.....	994 00	
	<hr/>	\$1,039 50

The last voucher shows that Mr. Collins received \$994 for recording patents issued, but not recorded by Mr. Hayden, as his last recorded patent was numbered 7869 west. It will be seen that the vouchers of Mr. Hayden do not state that he recorded his patents, nor do they identify any of his patents, and therefore could not inform the Auditor of State whether the accounts either of himself, or a succeeding Secretary, embraced any patent already paid for. Why vouchers, so destitute of those particulars required in the common and small transactions between individuals, are received in so important an office as that of Auditor, and for sums so large, is a question your committee cannot answer. but which the General Assembly should do by laws better matured than too many existing ones.

From these views of the matter referred to, your committee report the accounts to be overdrawn as follows :

By Mr. Hayden.....	\$377 00
By Mr. Collins.....	300 40
By Messrs. Hayden and Collins.....	1,108 50
By Mr. McClure.....	6,179 50
Total.....	<u>\$7,965 40</u>

For the purpose of having these accounts judicially examined, the committee report the accompanying joint resolution directing the Governor to notify the Attorney General to examine the same and institute suits thereon, or report his reason to the Governor for not instituting such suit.

L. RITTER, *Chairman*,  
JOSEPH B. FORDYCE,  
CLARK DEVOL,  
FESTUS HALL.  
THOMAS GIFFORD,  
D. L. LEWIS,  
JAS. B. NEWTON.

Joint Resolution No. 21. A joint resolution directing the Governor of the State to require the Attorney General to examine into the accounts or moneys drawn from the Treasury by the last three Secretaries of State and to institute suits thereon.

Was read.

Mr. Turpie moved to recommit the report and joint resolution to the committee on the judiciary.

Mr. Hamilton of Boone moved to instruct the committee as follows :

Amend the joint resolution so as to authorize suits against the different officers named, and their securities, on their official bonds.

Mr. Knowlton moved to amend the instructions by adding the following also :

Amend in the proper place by inserting "and all other defaulting State officers, agents or employees."

On motion by Mr. Prosser,  
The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

The question pending at the adjournment being on recommitting the report of the committee on public expenditures and the accompanying joint resolution to the committee on the judiciary with the proposed instructions.

Mr. Dobbins moved the previous question.  
Which was seconded.

The question being shall the main question be now put?  
It was so ordered.

Mr. Murray called for a division of the question.  
Which was ordered.

The question being on referring the joint resolution to the committee on the judiciary.  
It was so ordered.

The question then being on referring the report to the same committee.  
It was so ordered.

The question being on the amendment offered by Mr. Knowlton to the instructions offered by Mr. Hamilton of Boone.  
It was agreed to.

The question then being on the adoption of the instructions as amended.  
They were agreed to.

Mr. Cavins moved to reconsider the vote by which the report of the committee on public expenditures was referred to the committee on the judiciary.

Mr. Clements moved to lay the motion on the table.

The ayes and nays being demanded by Messrs. Clements and Cavins,

*Those who voted in the affirmative were,*

Messrs. Baird, Bowman, Carr, Claypool, Clayton, Clements,



Colgrove, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—41.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Comstock, Cotton, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker—43.

So the motion to lay on the table did not prevail.

The question then being on the motion to reconsider ;  
It was agreed to.

The question now being on the motion to refer the report of the committee on public expenditures to the committee on the judiciary.

Mr. Murray moved to lay the motion on the table.

The ayes and nays being demanded by Messrs. Dougherty and Merrifield.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Bowman, Carr, Claypool, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shockley, Shields, Snyder, Stanley, Sullivan, Summers, Tebbs,

Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—11.

So the motion to recommit was laid on the table.

Mr. Murray moved to lay the report on the table and print one thousand copies for the use of the House.

Mr. Harney called for a division of the question.  
Which was ordered.

The question being upon laying on the table.  
It was so ordered.

The question then being on printing one thousand copies.

Messrs. Turpie and Hunter demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boyd, Boxley, Brianham, Cavins, Clark, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Robinson, Ryner-son, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stires, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Brotherton, Carr, Claypool, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Harney, Hartley, Jones, Jordan, Keeter, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—44.

So the motion prevailed.

Mr. Sherman made the following report from a select committee:

**MR. SPEAKER ;**

The undersigned, a majority of the select committee to whom was referred House bill No. 72, entitled "a bill to amend section one and two of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State, approved March 1st,

1853, and to provide for the manner of service of process," with a pending amendment, submitted by the judiciary committee, have considered the same and directed me to report them back, and when the amendment is adopted, to recommend the passage of the bill.

The report was concurred in, the amendments adopted and the bill as amended ordered to be engrossed.

Mr. Colgrove moved to take from the table House bill No. 130 on its second reading ;

Which was agreed to.

Mr. Colgrove moved to refer the bill to a select committee of three, with the following instructions :

Instruct so as to make it obligatory upon supervisors to be governed in all that portion of the road work that may be performed by them within the limits of incorporated towns, by the direction of the town council ;

Which was agreed to.

The Speaker appointed Messrs. Colgrove, Comstock and Harrison said committee.

Mr. Hunter moved to take bill No. 247 from the table and make it the special order for to-morrow at 2 o'clock, P. M. ;

Which was agreed to.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 145. A bill to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act ;

Was taken up.

The question being on the amendment of Mr. Hamilton of Boone, pending at the adjournment on yesterday ;

It was not agreed to.

Mr. Dougherty offered the following amendment to section fourteen :

*Provided, however,* That when such trustee has served but part of a day, he shall be allowed in payment only in proportion to the time spent ;

Which was agreed to.

Mr. Prosser moved to amend section fourteen by striking out the words "and fifty cents."



Mr. Hall of Rush, moved to amend the amendment by inserting "one dollar twenty-five cents;"

Which was not agreed to.

Mr. Shull moved to amend the amendment by adding the following proviso:

*Provided*, That in townships not exceeding three hundred polls, the allowance shall not exceed twenty dollars;

Which was not agreed to.

The question being on the amendment offered by Mr. Prosser.

Messrs. Murray and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Boyd, Boxley, Carr, Clark, Comstock, Cotton, Durham, Gifford, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Jefferis, Johnston Jones, Keefer, Kelly, Knowlton, Massey, Mellett, Miller, Murray, Nebeker of Warren, Newton, Parks, Parrett, Prosser, Scott, Shockley, Shull, Stanley, Tebbs, Thompson of Madison, Turpie, Waterman, Wheeler, Whetzel, Whiteman and Wildman—40.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Blythe, Bowman, Branham, Brotherton, Cavins, Claypool, Clayton, Clements, Collier, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Gregory, Griffin, Hall of Grant, Harney, Harrison, Jordan, Lawhead, Lewis, McLain, Major, Merrifield, Martin, Nebeker of Vermillion, Nelson, Power, Ritter, Row, Rynerson, Shields, Smith of Miami, Smith of Perry, Stiles, Sullivan, Summers, Thompson of Elkhart, Treadway, Usrey, Wood and Mr. Speaker—48.

So the amendment was not agreed to.

Mr. Dougherty moved to strike out the sixteenth section;  
Which was agreed to.

Mr. Hunter moved to amend section seventeen by striking out the word "prosecutions" where it first occurs, and inserting the word "suits;"

Which was agreed to.

Mr. Hamilton of Wayne, moved to amend section — by inserting after the word "failure" in the third line, the words "through wilful negligence."

H. J.—40.

Mr. Mellett moved the following amendment to the amendment:  
Strike out the word "fail" and insert "neglect or refuse;"  
Which was agreed to.

The question then being on the amendment as amended;  
It was not agreed to.

Mr. Hunter moved to add the following:

Sec. —. All proceedings now pending before the boards of trustees in reference to the laying out, vacating or changing of highways be and the same are hereby transferred to the boards of county commissioners of the proper county, and they shall have jurisdiction of such proceedings and in determining the same shall be governed by the same laws now in force regulating such proceedings before such trustees;

Which was agreed to.

Mr. Clements offered the following amendment:

Sec —. The offices of township treasurer and township clerk are hereby abolished, after the election and qualification of the trustee herein provided for, and after such election and qualification it shall be the duty of such clerk and treasurer to deliver to such trustee all moneys, books, papers, furniture and all other property belonging to their township;

Which was agreed to.

Mr. Hunter moved to add the following:

Sec. —. The township trustee shall hold regular meetings for the transaction of business on the second Monday of April, 1859, and on the second Monday of every other month thereafter, at his residence or place of doing business in each township, and shall keep open his office from 9 o'clock, A. M., till 4 o'clock, P. M., of said days, and shall do no business under this act on any other day unless at such regular meetings, except the duties prescribed in sections seven and eight of this act, and in performing those duties prescribed in section seven, he shall only attend to such cases as arise for his inspection or decision as fence viewer or overseer of the poor, as applications or complaints shall be made and regularly filed by parties seeking redress, and all duties performed as fence viewer shall be paid by the parties causing the same to be done.

Mr. Murray moved to lay the amendment on the table.

The ayes and nays being demanded by Messrs. Hunter and Murray.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Collier, Comstock, Davis, Dougherty, Devol, Early, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Harney, Harrison, Jordan, Keefer, Lewis, Major, Mansfield, Mellett, Merrifield, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Row, Shields, Shockley, Smith of Perry, Stiles, Sullivan, Summers, Usrey, Wood and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Austin, Clark, Cotton, Davisson, Durham, Eastham, Gifford, Hall of Rush, Hamilton of Wayne, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Knowlton, McLain, Massey, Murray, Power, Scott, Shull, Smith of Miami, Stanley, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzcl, Whiteman and Wildman—33.

So the motion to lay on the table prevailed.

Mr. Keefer moved to add the following section :

Sec. —. That on the second Monday in April, on the second Monday in August, on the second Monday in October and on the last Saturday in February of each year, the township trustee shall be at his usual place of doing township business, and if in his opinion the business of the township demands it, he may hold one meeting in each of the other months in which there is no stated meeting,

Which was not agreed to.

Mr. Clements moved to reconsider the vote adopting the additional section to the bill as offered by Mr. Hunter ;

Which was agreed to.

Mr. Parrett offered the following additional section as a substitute for that offered by Mr. Hunter :

Sec. —. The township trustee shall in no case have any power to change, vacate or open any highway in any township in any county, but such power shall be vested in the county commissioners of the county, under the same regulations as to the petition, notice and appointment of viewers and assessment of damages as is now provided by law in cases effecting more than one township, and that all business now pending before any board of township trustees in relation to changing, vacating and opening highways.



be transferred to the board of county commissioners of the proper county.

Which was agreed to.

The amendment, as amended, was then agreed to.

Mr. Prosser moved to consider the amendments as engrossed and read the bill a third time.

Mr. Clements moved the previous question.

Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.

The question being on considering the amendment as engrossed and reading the bill a third time now.

Messrs. Murray and Austin demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Fordyce, Griffin, Harney, Harrison, Hartley, Hunter, Jefferis, Jordan, Keefer, Lawhead, Lewis, Mansfield, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nelson, Parks, Parrett, Prosser, Row, Rynerson, Shields, Shockley, Smith of Miami, Smith of Perry, Stiles, Sullivan, Summers, Thompson of Elkhart, Usrey, Wood and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Clark, Comstock, Cotton, Davisson, Durham, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Johnston, Jones, Kelly, Knowlton, McLain, Major, Miller, Murray, Nebeker of Warren, Newton, Power, Ritter, Scott, Sherman, Shull, Stanley, Tebbs, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Whiteman and Wildman—38.

So the motion prevailed.

Senate bill No. 145 was then read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Branham, Brotherton,

Carr, Cavins, Claypool, Clements, Collier, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Harney, Harrison, Hartley, Hunter, Jordan, Keefer, Lawhead, Lewis, Mansfield, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nelson, Parks, Parrett, Prosser, Robinson, Row, Shields, Shockley, Smith of Miami, Smith of Perry, Stiles, Sullivan, Summers, Usrey, Wood and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Clark, Clayton, Comstock, Cotton, Durham, Gifford, Hall of Rush, Hamilton of Wayne, Jefferis, Johnston, Jones, Kelly, Knowlton, McLain, Major, Massey, Miller, Murray, Nebeker of Warren, Newton, Power, Scott, Sherman, Shull, Snyder, Stanley, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, and Wildman—37.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Knowlton moved to suspend the order of business and take up the message from the Senate containing Senate bill No. 220.

Which was agreed.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following bill, to-wit :

Senate bill No. 220. A bill to authorize circuit courts and courts of common pleas to empanel traverse juries from the bystanders, in all cases when the officers required by law to empanel juries have failed or refused to discharge that duty.

In which the concurrence of the House is respectfully requested.

Senate bill No. 220, contained in the foregoing message,  
Was read a first time.

Mr. Knowlton moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Johnston, Jones, Jordan, Kelly, Knowlton, Lawhead, Lewis, Massay, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stiles, Sullivan, Summers, Tebbs, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—76.

No person voting in the negative.

So the rule was suspended and the bill read a second time by its title.

Mr. Turpie moved to suspend the rule and read the bill a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jones, Knowlton, Lawhead, Lewis, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Robinson, Row, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stiles, Sullivan, Tebbs, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—73.

No person voting in the negative.

So the rules were suspended and Senate bill No. 220 read a third time; and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham,



Devoll, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Jefferis, Jones, Jordan, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Robinson, Row, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanley, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wildman, Wood and Mr. Speaker—80.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Branham moved to suspend the order of business in order to take up House bills Nos. 192, 193, 194 and 195, that they might be made the special order for to-morrow at 2 o'clock, P. M.

Messrs. Turpie and Sullivan demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Branham, Brotherton, Cavins, Clark, Claypool, Davisson, Devoll, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Row, Ryner-son, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stiles, Thompson of Elkhart, Waterman, Whiteman, Wildman and Mr. Speaker—41.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Blythe, Boyd, Carr, Collier, Dougherty, Durham, Early, Edwards, Gifford, Jones, Jordan, Kelly, Knowlton, Lewis, McLain, Massey, Murray, Nelson, Parrett, Snyder, Stanley, Sullivan, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler and Wood—31.

So the order of business was suspended.

The question then being on making said bills the special order for to-morrow, at 2 o'clock, P. M.;

It was agreed to.

Mr. Griffin, by leave, introduced the following resolution, which being an amendment to the rules of the House, was laid over :

*Resolved*, That in consideration of the orders of the day bills upon their second reading shall be read first and in the regular order in which they are placed on the file and no officer of the House shall prefer one measure to the prejudice or delay of another, and the same rule shall be adhered to as to bills on their third reading.

Mr. Hamilton of Boone, moved to suspend the order of business and take up House bill No. 143 on its third reading ;  
Which was agreed to.

No. 143. A bill to legalize the appraisement and assessment of property in cities of this State, and the making out and delivery of tax duplicates in the cities of this State, incorporated under the act of 1857 ;  
Was read a third time.

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavens, Clark, Claypool, Clayton, Collier, Comstock, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keifer, Kelly, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Nebeker of Vermillion, Nelson, Parks, Parrett, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whiteman, Wood and Mr. Speaker—70.

No person voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Boyd obtained leave and offered the following resolution :

*Resolved*, That no member shall hereafter be allowed to speak on any question longer than ten minutes at any time during the remaining part of this session.

Which, under the rules of the House, was laid over till to-morrow.

On motion by Mr. Lawhead,  
The House adjourned until to-morrow morning, 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
February 18, 1858. }

The House met.

The Clerk proceeded to read the journal,  
When,

On motion by Mr. Sherman,  
The further reading was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Brotherton,

A petition from sundry citizens of Delaware county, praying for relief by the Legislature to the securities on the official bond of John C. Osborne, late school commissioner of said county?

Which,

On motion,  
Was referred to a select committee of five.

The Speaker appointed Messrs. Brotherton, Mellett, Dougherty, Prosser and Colgrove said committee.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The Committee on engrossed bills have examined engrossed bills of the House Nos. 198 and 77 and find the same correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary.



MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the engrossed amendments of the House to

Senate bill No. 145. A bill to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith and to repeal all laws conflicting with this act;

And have passed the bill.

Mr. Parks, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bill No. 72, and compared the same with the engrossed copy thereof, and find it correctly engrossed.

A message from the Governor, by Mr. Osbourne, executive messenger

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bill:

Senate bill No. 220. An act to authorize circuit courts and courts of common pleas, to empanel traverse juries from the bystanders in all cases when the officers required by law to empanel juries have failed or refused to discharge that duty.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring enrolled bill of the Senate No. 145, a bill to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith and to repeal all laws conflicting with this act, for the signature of the speaker thereof.

Mr Gifford, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have duly examined House bills Nos. 89, 199 and 204 and find them correctly engrossed.

## REPORTS FROM STANDING COMMITTEES.

Mr. Mansfield, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred House bill No. 107, with instructions to amend the second section by the adding the following words:

“And shall divide the same *pro rata* among the several counties of the State. Such dividend shall be based upon the preceding report of the Superintendent of Public Instruction, giving to each county her distributive share in proportion to the number of children listed in such county.”

Have had the same under consideration, and have instructed me to report that the proposed amendment is already embodied in the 3d section of the bill, which prescribes “that this money shall be apportioned and paid out as other school funds are apportioned and paid out for the support of common schools.” And since the committee do not believe that it was the intention of the House to have the same provision inserted in the two several sections of the bill, they have considered it their duty not to make this amendment, unless otherwise instructed. But the committee having had this bill again under consideration, beg leave to say that section one would become more definite and precise, if amended by adding thereto the following words: “Subject to diminution by the purchase of the so-called bank bonds before they become due, or by the liquidation of them after they have matured.”

The committee have further instructed me to say that the Commissioners of the Sinking Fund have thus far acted under the charter of the bank and sundry laws which were enacted in connection with that charter during the last 25 years, that the validity of these laws has become doubtful since the expiration of the charter of the bank, that the State expects and that the school interest requires that the commissioners should continue their profitable investments of the fund, but that there is no law which prescribes and sanctions that operation.

And lastly, I have been directed to say that a bill No. 92, has been introduced in this House, which prohibits, under heavy penalties, any State officer from investing the funds with which he may be intrusted, unless sanctioned by a special law to that effect. Should this bill become a law it would shut up every dollar of these three millions in the vaults of the sinking fund, to the great detriment of the common school interest.

The committee, therefore, respectfully suggest that this bill be further amended by inserting between the fourth and fifth sections the following two sections, and when so amended recommend the passage of the bill:

Sec. —. Any moneys that may be in the hands of the commissioners awaiting said distribution, or intended for the purchase or redemption of bonds or for current use, may be deposited at interest with one or more banks or banking houses of undoubted responsibility and solvency, payable on call, but before making any such deposits it shall be the duty of said commissioners to take in at least double the amount of the deposit, with good security for the return of the deposit with interest whenever called for. Said interest shall become part of the fund, and the commissioners become chargeable with all sums so received.

Sec. —. All laws not inconsistent with this act, in regard to the sinking fund, or giving powers to or prescribing the duties of the sinking fund commissioners, their officers, clerks, agents and servants, or prescribing punishments against them for malfeasance in office, that were in force on the day preceding the first day of January, 1859, are hereby declared to be in full force and to apply to the present board of sinking fund commissioners and its officers, clerks, agents and servants, but all such laws as are inconsistent with this act are hereby repealed ;

The report was concurred in and the amendments adopted.

Mr. Boyd moved to consider the bill as engrossed and read a third time now ;

Which was agreed to.

House bill No. 107 was then read a third time.

Pending the consideration of the above bill ;

The hour having arrived the House proceeded to consider the

#### SPECIAL ORDER OF THE DAY.

No. 247. A bill to provide for the enlargement of the State prison, and providing duties of officers in relation thereto, and punishments for the violation thereof, and making appropriations for the enlargement thereof.

Mr. Sherman, from the committee on State prison, obtained leave and made the following minority report :

MR. SPEAKER :

The undersigned, a minority of the committee on the affairs of the State Prison, beg leave respectfully to submit the following report : Your committee have had so much of the Governor's message as relates to the affairs of the State Prison under consideration, and in the discharge of their duties have visited the Prison, and investigated the affairs thereof. It will be recollected that his Excellency, the Governor, in his message submitted to the Legis-



lature at the extra session, informed us that the number of convicts had increased to that extent that it was impossible to accommodate them in the old Prison, and urged upon the Legislature the necessity of erecting a new Prison in the northern part of the State. Your committee have investigated the whole subject with a view of first ascertaining whether it was actually necessary either to enlarge the old Prison or erect a new one.

It is apparent that if either line of policy is pursued it must necessarily involve the expenditure of a large amount of money, which must be assessed against, and collected of the tax payers of the State, and at a time like the present, when the people are struggling under a financial crisis, almost without a parallel in the history of Indiana. Your committee have hesitated long before they would recommend the one or the other.

Your committee find that the utmost capacity of the Prison is not sufficient to accommodate more than three hundred convicts, and probably not more than two hundred and fifty comfortably, and they worked to advantage. They find at this time, four hundred and eighty-one convicts confined in the Prison and the number increasing semi-annually.

It must be apparent to the members of this Legislature that it is the duty of the State to take care of its convicts, to make them reasonably comfortable, and good policy would at least dictate that if possible the prison should be so managed as to make the same self-sustaining. Our present prison is not sufficient for either purpose. It can neither accommodate the convicts comfortably, nor can they be employed in a manner that will pay expenses.

From the above facts your committee have been forced to come to the conclusion that it was necessary either to erect a new prison or enlarge the old one, and it is to be regretted that the committee could not have unanimously agreed upon the best policy to be adopted.

The majority of your committee have recommended the extension and enlargement of the old prison, and the minority find it necessary to differ with them in opinion, and beg leave respectfully to recommend the erection of a new prison in the northern part of the State. It will be expected of the minority of your committee to not only submit their reasons in favor of the policy they recommend but that they should point out and submit their objections to the recommendations of the majority. Your committee submit the following reasons, which have induced them to recommend the erection of a new prison in the northern part of the State:

The history of prisons and their management afford abundant proof that not more than three or four hundred convicts can be profitably employed at any one point or locality. Experience has taught the State of New York the propriety of adopting the policy recommended by the minority of your committee.

New York erected her first prison and adhered to it until that

institution became a tax and a burthen upon the people of the State. She then erected her second prison, and within the last few years has found it necessary to erect a third at Clinton—one in the south, one near the center and one in the northern portion of the State.

She was induced to erect these prisons in different parts of the State from the fact that the concentration of the labor of so large a number of convicts at one point, rendered the same unprofitable.

Our present system of hiring out the convict labor, if judiciously managed, is the best that can be adopted by the State, and it must be apparent to every one that the price of labor, as well as every thing else, depends upon supply and demand. Hence, if we divide this labor and place a part of it in the northern part of the State, we thereby lessen the supply and comparatively increase the demand. The competition for the labor is increased, its price enhanced.

Again, this policy is indicated by the fact that the convicts now at Jeffersonville being housed, clothed and fed, with shop room for them to work in, at the expense of the State, and while many of them are good mechanics, are hired out for from fifty to fifty-five cents per day, when the same labor in almost any other portion of the State is worth from one to two dollars per day.

There is one prominent fact connected with this branch of the subject worthy of consideration. It is, that the tax-payers of the State are being taxed yearly to defray the expenses of the penitentiary, while all those who have had the management of the same, and most of those who have hired the labor of the convicts have made themselves rich. This appears to be almost conclusive evidence to the minority of your committee that there is a want of competition for the labor of the convicts.

Your committee recognize the duty and obligations imposed upon the Legislature in the management of the penitentiary, to protect as far as possible the mechanical interests of the citizens from the ruinous competition of convict labor, and your committee are of the opinion that by dividing the labor and placing a portion of it in the northern part of the State, and especially upon the great lakes of the north, that a very large portion of the articles manufactured would find a market in other States, and all if so desired. Most of the cities situated upon lake Michigan, and especially Chicago and Milwaukie, are now depending upon foreign markets for nearly all their supply of such articles as are usually produced by convict labor. Chicago alone would furnish a good and constant market for all that could be manufactured at any time by the labor of three hundred convicts. Taking into consideration the facilities offered for shipping such articles by the lake to Chicago, a distance of only 54 miles and 120 to Milwaukie, with other cities of considerable importance between the two. The undersigned cannot avoid the conclusion that at least three-fourths if not seven-eighths of the products of the convict labor would



find a market in those cities, without conflicting in the least with the mechanical interest of the citizens of our State; an object, in our opinion, highly worthy the consideration of every member of the Legislature. Again your committee would urge upon the attention of the Legislature, the superior facilities for furnishing the prison with material on which to apply its labors. The easy access to eastern markets by the lakes; the abundance and cheapness of all kinds of lumber in the north; the proximity of the marble quarries of Wisconsin, a most desirable material, the manufacture of which by convict labor could be made most profitable.

These are some of the reasons which have induced a minority of your committee to recommend the erection of a penitentiary north.

The minority of your committee would now proceed to the task they have assumed of answering, in brief, the reasons assigned by the majority which have induced them to recommend the enlargement of the old prison.

The first argument as presented in their report is that the prison having been located in the southern part of the State for a series of years, the surrounding country and cities have, as a necessity, accommodated themselves in their mechanical interests to the direct interests of the prison.

The force of this argument, we, the minority of your committee, are unable to perceive. If it is intended to convey the idea that the prison has become a monopoly, and has entirely absorbed and driven out of the southern portion of our State all mechanics and mechanical interests, it is then a calamity, and the people of northern Indiana are too patriotic and have too much at heart the interests of the entire State, to be willing to impose upon any portion of it a burthen that would weigh down and crush out so important an element of its posterity as its mechanical interests. But as it is intended, undoubtedly, to show the increased demand in a particular portion of the State for convict labor, thereby increasing its value, we would reply by referring to what we have already said in that branch of our subject respecting supply and demand, regulating the price, an argument in the opinion of your committee too well established in political economy for any one to attempt to controvert.

The argument that this kind of labor should be applied to articles manufactured within doors, and the reasons assigned for it we acknowledge, but deny that such are necessity of a weighty and cumbrous character, yet we admit the preference of water communication to incurring the expense of railroad transportation, and your committee believe that the communication by the lakes as a good, and even better, than by the Ohio river, from the fact, that they are navigable at all times, while the Ohio is not navigable above the falls at certain seasons of the year, and the proximity of the markets upon the lakes, in the opinion of your committee, gives them a decided preference.



The argument as presented by the majority, that the inhabitants of the northern portion of the State are mostly from the east, and so fastidious in their tastes, that they require more style in articles for their use than could be furnished by convict labor, is in the opinion of your committee a species of special pleading so palpable upon its face that it hardly requires a reply, for while we, like them, do not desire our parlors furnished with the splint bottom chairs manufactured in the penitentiary, or our carriages built and furnished by convict labor, or that our wives and daughters should wear the coarse boots and shoes manufactured in Jeffersonville; yet we have as many kitchens to be furnished north as south. We use as many lumber wagons, wheel barrows, coarse boots and shoes, and the articles usually manufactured in the penitentiary, in the north, as are consumed by an equal number of inhabitants south.

The argument of the majority, that two penitentiaries in the State would be a disgrace to its inhabitants, seems to the minority to be without force, from the fact that if we have five hundred or one thousand convicts in our State, the effects upon the honor of the State or its inhabitants cannot be effected by keeping them in one locality or two. Again, that the concentration of this labor at one point, would tend to give the prison the notoriety of a respectable manufacturing establishment, instead of a mere workshop; and make its articles more sought for, must appear to every one unfounded and fallacious, when we consider how small the variety usually manufactured by convict labor.

The argument that there would naturally spring up a rivalry between the two institutions, which would involve the State in constant difficulties, we, the minority, believe to be the very opposite of the fact. That there would exist a rivalry between the two, we readily admit, but it would be a laudable rivalry, and most salutary in its effects. A rivalry between the officers and managers of the two institutions, which could manage for the greatest improvement of its inmates, and the best interests of the State. And the minority of your committee are induced to believe that the expenses saved for transporting convicts to the extreme southern portion of the State, the enhanced price of their labor by increasing competition between contractors, and opening a wider and more permanent market, the more economical management, resulting from a rivalry existing between the two institutions, and the sanitary influence from a less number being confined in one prison, and thereby a smaller proportion reported upon the sick list, will largely overbalance the additional expense of conducting a new prison.

For these reasons and others, the minority of your committee beg leave to dissent from the report of the majority, and recommend that the bill introduced by them be indefinitely postponed.

M. G. SHERMAN.

Mr. Dobbins obtained leave and introduced

House bill No. 274. A bill providing for the construction of a State prison, at ———, in this State.

Which was read a first time and passed to a second reading.

Mr. Edwards moved that the whole subject of the enlargement of the old State prison, or the building of a new one, be included in the special order for this hour ;

Which was agreed to.

Mr. Snyder made the following report from a special committee :

**MR. SPEAKER :**

The undersigned members of the special committee, to whom was referred the resolution of the House, directing inquiry into the practicability and propriety of erecting a penitentiary in the north portion of this State, have had the same under consideration, and have directed me to make the following report :

Your committee are satisfied that the erection of a new prison, or the enlargement of the old one, presents a question admitting of but one answer. The necessity for the one or the other, is a matter of pressing importance, and the Legislature cannot, without doing great violence to the interests of the State, adjourn without making suitable provision for the convicts now consigned to a prison, incapable of affording them comfortable shelter, and not having the appliances which will insure their confinement, in obedience to the requirements of the law.

That the erection of a penitentiary in the northern part of the State is practicable, no one at all acquainted with that section, can for one moment doubt. Cass, Miami, Wabash, Huntington, Allen and Carroll counties, lying along the line of the Wabash and Erie canal, present excellent points at which to erect a prison. Indeed, if water power, abundance of the best building stone, the finest timber in the West, and a great variety of it, excellent clay for brick making, a water or rail communication with the lakes, north or east and west, and with the interior of the State, as well as the south, and the undoubted good health of these localities, afford an answer as to the practicability of the erection of the contemplated prison north of the Wabash, your committee do not hesitate to say that these localities are not excelled in the West.

Again—Elkhart county presents her claims to adaption for the same purpose. There are several localities in that county in every respect adapted to the purpose contemplated in the resolution under consideration. Again, Laporte ; and again, St. Joseph. While the counties along the line of the Wabash and Erie, would, in a



great measure, have to rely upon the lakes and a home market in the northern portion of the State, for the sale of heavy articles manufactured in a prison, and while the comparatively central location in the north part of the State, of Elkhart, would compel her to rely upon rail transportation—Laporte and St. Joseph have water and rail thoroughfares which open up to either of them the markets of the lakes, Illinois, Michigan and Wisconsin, and the northern portion of this State to say the least.

Mishawaukie and Lowell, in St. Joseph county, present strong claims in behalf of superior advantages in water power, which is situated as to be used at a very small expense for the purpose of cleaning and sewerage, as well as perfectly protecting the prison from fire. It may also be profitably applied to machinery in connection with prison labor. This water power can be had at a very cheap rate. Your committee are confident that with the labor of four hundred felons, such articles as are usually made by convict labor, would not be produced in sufficient quantities for the supply of the markets above named in all time to come. The establishment of a prison would fix the existence of a manufactory of the different articles produced by convict labor, and the people would soon have to lean upon it for a supply.

Hence your committee believe that the establishment of a penitentiary in the northern portion of the State is practicable. As to the facilities for the erection of a penitentiary, for cheap and ready means for the transportation of the products of convict labor, and an extensive and unsupplied market adapted to its sale, and a healthy region of country for its location, the committee are equally clear.

The question of expedience next presents itself for the consideration of your committee. The present prison at Jeffersonville, its friends and advocates must admit, is woefully mismanaged, or else the system of a self-supporting penitentiary at that point is a failure.

The glowing description of its products and the water thoroughfare upon whose bosom these articles are born to the markets of the "ever sunny South," where they find a ready and rapid sale, had almost led your committee to take as true the report of the standing committee on the affairs of the State prison; and had almost convinced them, that the Indiana Penitentiary was in fact the first manufacturing establishment for the counties bordering on the Ohio and Mississippi rivers; that while the day laborer at the north part of the State receives higher wages than the day laborer at the south part of the State, yet convict labor at the south is worth more than the same kind of labor at the north; that convict labor in competition with free labor, is not worth as much as convict labor in competition with slave labor; that crowding together five or six hundred convicts, to be employed in manufacturing pursuits, would be more profitable than the employment of three hundred laborers of the same kind in the same pursuits, and



at the same place, under the best possible auspices have proven to be. Yet your committee, in the discharge of the duty enjoined upon them, chose to consult other sources of information, than the report of said committee, and find, therefore :

*First*—That instead of Louisville being dependent upon prison labor for her heavy manufactured articles, Louisville and Cincinnati, Madison and other points in the vicinity of Jeffersonville, compete largely with the convict labor of the penitentiary; and this competition must in the future tend to render the expense of maintaining the prison still more troublesome than it has been in the past.

*Second*—In the crowding together of the just number of convicts at that point, now and in the future to be added to, must subject the inmates of the prison to contagious and epidemic diseases, in a location so peculiarly adapted as Jeffersonville is to such influences.

*Third*—When there is such a large body of convicts, they do not admit of the same discipline, and there is greater danger from insubordination and insurrection.

*Fourth*—When so large a number of convicts are crowded together, and having daily intercourse—the hardened and abandoned criminal with the young and impressible—it is impossible that the prison should be, as was intended, a place for the reformation of offenders.

*Fifth*—You cannot well provide proper sanitary regulations for heating, lighting, ventilation and sewerage, and especially at the present location, and it would be unwise to add to numbers as the conveniences of the prison grounds are by the present proposition of the regular committee to be entirely enclosed by walls.

*Sixth*—If, as your committee are assured, the cost is increased in proportion to the number of convicts, then may gentlemen hesitate to vote another dollar of the people's money to add to an establishment, which has uniformly presented herself as a mendicant at your doors, and is now giving new assurances as usual, that she will become self-sustaining, if you give the leech another opportunity to suck the blood of the treasury.

*Seventh*—The plan of making a prison self-sustaining, cannot, in the opinion of your committee, be practically carried out at Jeffersonville, for these and numerous other reasons which suggest themselves to your committee, and which it would be a waste of time to state.

Your committee would further state the following as a few of the reasons which suggest themselves for the erection of a new prison :

*First*—The cost would be but little, if any, over double that of making the required addition at Jeffersonville. And, as it is proposed to use in the erection of a new prison one hundred and fifty convict laborers, it would proportionally reduce expenses at that point.

*Second*—A new prison at the north, under a different directory and different management, would, in the opinion of your committee, cause a l udable rivalry as in the economical management of the prisons, which would ultimate in making both prisons self-sustaining.

*Third*—The erecti n of a prison at the north is but a question of time, and the argument that it will create a larger expenditure temporially is fully met by the fact, that at the present cost of the penitentiary upon the treasury, two years will, together with the cost of the proposed addition, more than pay for the proposed prison at the north.

For these and other reasons which is unnecessary to state, your committee believe that sound policy, a proper regard for true economy, the welfare of the State convicts and the reformation of offenders, which is the only true theory of punishment, alike require the erection of a new State prison north of the Wabash river, and would for that purpose present the following bill, and recommend that the same may be perfected and put upon its passage.

SNYDER,  
HARNEY,  
ROB NSON,  
SHERMAN.

House bill No. 295. A bill to provide for the erection of an additional State Prison, and making an appropriation therefor, and making it a felony to violate certain provisions thereof, and prescribing punishment therefor;

Which was read a first time and passed to a second reading.

Mr. Eastham obtained leave and introduced

House bill No. 296. A bill to provide for the extension of the buildings of the State Prison at Jeffersonville;

Which was read a first time and passed to a second reading.

Mr. Scott, by leave, offered the following resolution:

*Resolved*, That the report of the standing committee, the report of the minority, and, also, the report of the special committee on the resolution of the gentleman from Jasper be referred to a select committee of nine, with instructions to report a bill providing for the erection of a prison at some point in the northern part of the State, with the member from Jasper as chairman.

Mr. Prosser moved to amend by striking out all after the word "Resolved," and insert the following:

"That the financial condition of the State forbids the erection of a new State Prison if the same was otherwise desirable.

Pending the consideration of which,

On motion by Mr. Davis,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The hour having arrived the House proceeded to consider the

#### SPECIAL ORDER OF THE DAY.

House bill No. 192. A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State. Also,

No. 193. A bill relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries. Also,

No. 194. A bill to provide for the election and duties for a Comptroller of State. And, also,

No. 195. A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State and the several counties, and for the safe-keeping of public moneys.

Mr. Clements moved to pass informally over the special order for the purpose of taking up House bills No. 267 and No. 268 ;  
Which was agreed to.

House bill No. 267. A bill prescribing the time of holding and the length of terms of the courts in the third judicial circuit.

Was read a second time, and

On motion by Mr. Clements,

Referred to a select committee of three.

The Speaker appointed Messrs. Clements, Smith of Perry and Blythe said committee.



House bill No. 268. A bill prescribing the time of holding the courts of common pleas in the several counties therein named ;

Was read a second time, and

On motion,

Referred to the same select committee.

The House then proceeded to consider House bill No. 195.

The question pending being on the adoption of the amendment offered by Mr. Prosser.

Mr. Harney moved to recommit the bill and pending amendment to the committee on ways and means.

Mr. Ritter moved the previous question ;

Which was seconded.

The question being, shall the main question be now put ?

It was so ordered.

The question being on recommitting the bill to the committee on ways and means ;

It was agreed to.

Mr. Dougherty offered the following instructions :

Amend section third by adding the following: "*Provided, also,* That whenever payments shall be made into the State treasury in the notes of solvent specie paying banks as aforesaid, to the amount of one thousand dollars on any bank, it shall be the duty of such treasurer forthwith to convert such bank notes into gold or silver coin.

Mr. Murray moved to lay the instructions on the table.

Messrs. Dougherty and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boyd, Branham, Brotherton, Clark, Claypool, Colgrove, Comstock, Davisson, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Johnston, Jones, Lewis, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Ritter, Row, Sherman, Scott, Shull, Smith of Miami, Smith of Perry, Thompson of Elkhart, Usrey, Whetzel, Wildman and Mr. Speaker—42.

*Those who voted in the negative were*

Messrs. Bowman, Boxley, Cavins, Carr, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Gifford, Gregory, Hancock, Hartley, Hunter, Jordan, Keefer, Kelly, Knowlton, Lawhead, McLain, Major, Massey, Merrifield, Martin, Parrett, Prosser, Rynerson, Shields, Shockley, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Waterman, Wheeler and Wood—41.

So the instructions were not laid on the table.

Mr. Hamilton of Boone offered the following as a substitute for the instructions offered by Mr. Dougherty :

“That the Treasurer of State shall as soon as practicable after settlement with the county treasurers convert all bank notes in his possession into gold or silver, by presenting them to the banks that issued them, and demand such coin.”

Mr. Clements moved to lay the substitute on the table ;  
Which was agreed to.

Mr. Prosser offered the following amendment to the amendment .

“Instruct the committee to provide for the reception of nothing but gold and silver.”

The ayes and noes being demanded by Messrs. Prosser and Sullivan.

*Those who voted in the affirmative were,*

Messrs. Bowman, Carr, Clayton, Collier, Clements, Dobbins, Dougherty, Early, Eastham, Hancock, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Major, Massey, Nelson, Parrett, Prosser, Shields, Shockley, Shall, Snyder, Sullivan, Summers, Tebbs, Thompson of Madison and Wood—30.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Colgrove, Comstock, Davisson, Davis, Durham, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayae, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Lewis,

McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Stiles, Thompson of Elkhart, Usrey, Waterman, Wheeler, Whetzel, Wildman and Mr. Speaker—57.

So the amendment to the amendment was not adopted.

Mr. Dougherty moved to amend the instructions as follows, to-wit: "by presenting said notes to said banks for redemption;"

Which was agreed to.

The question being on the adoption of the instructions as amended.

Messrs. Dougherty and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were*

Messrs. Baird, Bowman, Carr, Cavins, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Early, Eastham, Gifford, Gregory, Hamilton of Boone, Hancock, Jordan, Keefer, Kelly, Knowlton, Lawhead, McLain, Major, Massey, Merrifield, Martin, Nelson, Parrett, Prosser, Row, Rynerson, Shields, Shockley, Snyder, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Usrey, Waterman, Wheeler and Wood—44.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Foxley, Branham, Brotherton, Clark, Claypool, Comstock, Davisson, Devol, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Lewis, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Scott, Sherman, Skull, Smith of Miami, Smith of Perry, Thompson of Elkhart, Whetzel, Wildman and Mr. Speaker—42.

So the instructions were adopted.

Mr. Boxley obtained leave of absence till Tuesday noon.

Mr. Austin offered the follow instructions:

1. Amend the eleventh section by striking out all after word "fund" in the tenth line.
2. Amend the twelfth section by striking out all between the word "out" in the second line and the article "a" in the third line.



3. Strike out the thirteenth section.

Pending which,

On motion by Mr. Edwards,

The House adjourned until to-morrow morning, 9 o'clock.

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SATURDAY MORNING, 9 o'clock, }  
February 13, 1859. }

The House met.

The reading of the journal was dispensed with.

The Speaker laid before the House the following communication from the Superintendent of the Hospital for the Insane:

HON. J. W. GORDON,

*Speaker of the House of Representatives:*

SIR:—I have the honor to lay before the House a reply to the following resolution, to-wit:

*Resolved*, That the Superintendent of the Hospital for the Insane be requested to furnish this House with the number of patients in said Institution, whose friends or guardians pay their expenses or any part thereof, save the amount provided by law, also the amount so received, withholding the names of said patients, but specifying the counties from which they came.

It is necessary to remark, that there are patients in the hospital whose friends or guardians furnish the entire amount of clothing required, which is a transaction kept solely between the representatives of the patients and the Superintendent, who receipts for whatever amount of money may be deposited with him for furnishing clothing, and renders to them an account for the same.

This arrangement has no connection whatever with the clothing charged to the several counties, but is entirely independent.

The twenty dollars allowed for clothing to each patient per annum is barely enough to cover the nakedness of the pauper patients. Those patients who have been accustomed to better cloth-

ing, and who are able to afford it, are as a general thing indulged by their friends in whatever kind of clothing may suit them. It costs fourteen dollars and fifty cents for clothing during the past year *per capita* for four-fifths of the patients admitted to the hospital.

It is frequently the case that patients are brought to the hospital without the requisite amount and kind of clothing. In instances of this kind the steward of the hospital purchases the necessary clothing and sends the bills for the same to the clerks, who remit the amount to the steward for which he returns a receipt. The total amount received from friends and guardians of patients for clothing during the fiscal year just expired and up to this date, is as you will perceive, very inconsiderable compared with the amount filed for clothing in the treasurer's office, against the several counties. My personal knowledge enables me to say, that at least one-half of the amount charged to the counties for clothing is paid to the treasurers of the several counties by the friends or guardians of the patients. Where the condition of the patients require certain kind of clothing which cannot be furnished by the friends when needed, the Superintendent is authorized to make the necessary purchase and charge to the county to which the patient belongs, where it is looked after and settled by the guardian of the patient. There is no portion of the expenses of patients paid by their friends or guardians, except in the matter of clothing, where the patient is worth over five hundred dollars.

The following are the counties from which patients were received during the past fiscal year, and up to this date, whose friends or guardians paid the several amounts annexed, to-wit:

Allen county paid for one patient.....	\$1 25
Boone county paid for two patients.....	8 97
Carroll county paid for two patients.....	6 00
Crawford county paid for one patient.....	5 00
Daviess county paid for two patients.....	20 00
Dearborn county paid for one patient .....	2 75
Delaware county paid for two patients.....	13 80
Floyd county paid for one patient.....	3 00
Fountain county paid for one patient.....	7 00
Fulton county paid for one patient .....	2 75
Franklin county paid for one patient .....	4 95
Gibson county paid for one patient.....	7 00
Greene county paid for one patient.....	14 00
Hamilton county paid for two patients.....	20 00
Hancock county paid for one patient.....	80
Henry county paid for two patients .....	14 80
Jackson county paid for three patients .....	5 45
Knox county paid for one patient .....	10 50
Kosciusko county paid for two patients.....	16 75
Laporte county paid for three patients.....	30 25

Lawrence county paid for one patient .....	\$2 75
Marion county paid for two patients .....	18 48
Monroe county paid for one patient .....	10 00
Morgan county paid for one patient .....	8 00
Noble county paid for two patients .....	7 25
Parke county paid for one patient .....	10 00
Posey county paid for one patient .....	80
Putnam county paid for five patients .....	26 53
Ripley county paid for two patients .....	12 00
Randolph county paid for two patients .....	2 25
Shelby county paid for two patients .....	16 80
Switzerland county paid for one patient .....	5 00
Tippecanoe county paid for two patients .....	6 00
Montgomery county paid for one patient .....	20 00
Hendricks county paid for one patient .....	30 00
Owen county paid for one patient .....	14 25
Vigo county paid for one patient .....	5 00
Howard county paid for one patient .....	2 00
Huntington county paid for two patients .....	16 50
Warren county paid for one patient .....	1 00
Wayne county paid for four patients .....	61 95
Washington county paid for one patient .....	5 00
Elkhart county paid for one patient .....	4 00
Cass county paid for two patients .....	11 50
Total amount paid .....	<u>\$482 08</u>

No. of patients, 70.

A portion of the amount specified above, was paid to furnish clothing, to entitle patients to admission to the hospital. There is a growing disposition to throw as much of the expenses for clothing upon the counties as possible. This, I regret to say, is far from being confined to the indigent, but finds a lodgement in the bosom of those who have ample means of furnishing every article of wearing apparel for their unfortunate friends and wards. It may not be amiss to remark here that an ample supply of clothing is an element for the promotion of the mental and physical health of patients. Frequent changes of wearing apparel and the practice of daily or weekly ablutions of the body beget in patients the habit of personal neatness, which contribute much to their comfort if not to their restoration.

To be successful in the treatment of the insane, there must be at hand every convenience for keeping the person and the apartments of patients neat and clean, and in order to do this, there must be an abundance of water as well as a good supply of clothing.

Very respectfully,  
JAMES S. ATHON, *Superintendent.*



The Speaker laid before the House the following communication from His Excellency, Governor Willard :

*To the Speaker of the House of Representatives :*

I have received your resolution of the 16th inst. The report desired was sent to the State Printer for publication, and should have accompanied the message when printed. I herewith submit the same as it is prepared for the Documentary Journal.

ASHBEL P WILLARD.

On motion by Mr. Collier,

The order of business was suspended in order to take up the following resolution, introduced on the —— inst., by Mr. Boyd and laid over under the rules of the House, viz:

*Resolved*, That no member shall hereafter be allowed to speak on any question longer than ten minutes at any time during the remaining part of the session.

The question being on the adoption of the resolution ;  
It was agreed to.

Mr. Scott moved to suspend the order of business to enable him to offer a resolution ;  
Which was agreed to.

Mr. Scott offered the following resolution :

WHEREAS, There is a great deal of business on the files of this House important in its character ; AND WHEREAS, but fourteen working days of the session remain, therefore,

*Resolved*, That this House hold night sessions on every alternate evening hereafter, for the purpose of the introduction of bills and their first and second reading.

Mr. Cavins offered the following amendment, strike out from the enacting clause and insert,

“That during the remainder of this session the House of Representatives will hold evening session on Monday, Wednesday and Friday evenings, commencing at 7 o'clock :”

Which was agreed to.

The resolution as amended was then adopted.

## REPORTS FROM STANDING COMMITTEES.

Mr. Colgrove, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 246, a bill surrendering to the trustees of the Wabash and Erie Canal all right that the State has to redeem the Wabash and Erie Canal and all right of reversion therein, have had the same under consideration, and have instructed me to report the same back to this House with the following amendments :

Strike out all after the 21st line in the first section and add the following :

And by the provisions of the two above recited acts to the State or to any individual corporation. but it is expressly declared and understood to be the true intent and meaning of this act, that each and every obligation assumed by or in manner imposed upon said trustees or parties for whose benefit said trust was created, either to the State or lessees of water power or any private individual, company or corporation is hereby expressly reserved to the State, private individual, company or corporation as fully and in as ample a manner as though the State had not surrendered her right of redemption or reversion to said canal trustees.

*Provided further*, That the State for the purpose of securing the faithful execution of said trust, and securing herself as well as her citizens from loss, therefore nothing in this act shall be so construed as in any manner whatever to change the relation of the State to said trustees created in the acts referred to, or to those for whose benefit said trust was created, except as before provided for, but said trust shall continue in full force in all respects as created, and as if the right of redemption and reversion had not been released upon the part of the State.

*Provided further*, Should said canal trustees, or the parties for whose use said trust was created, fail, neglect or refuse faithfully to fulfil and execute their part of said trust, and to comply with all of the duties and obligations upon them imposed by the said acts referred to, then and in that case, said trust and all the rights and privileges therein granted shall be void, and in that case said canal and all the property, rights and privileges so as aforesaid granted by the State in trust, shall revert to the State.

And by adding the following sections :

Sec. 2, The trustees of the Wabash and Erie Canal with the assent of the parties for whose benefit said trust was created, may lease for the use of the bondholders, said canal or any portion thereof, to any person or persons, company or corporation who

will obligate himself or themselves to keep said canal or such portion thereof as may be embraced in such lease in good navigable order, and to fulfill all other obligations imposed upon said trustees.

Sec 3. Such lessee or lessees shall have all the power now conferred by law upon the trustees of said canal, to collect tolls and water rent, and to protect, preserve and maintain the same for navigable purposes, and may appoint collectors of tolls and all other officers or agents necessary to accomplish said object.

Sec. 4. The trustees of said canal are hereby released from all obligations imposed by the act transferring said canal to them to build and maintain bridges thereon.

Sec. 5. Nothing contained in this act shall be so construed as to create, revive or recognize the existence of any liability on the part of the State for that portion of the public debt, which was by the management made with the creditors of the State by the said acts of 1846 and 1847, referred to and charged over to the canal, the true intent and meaning of this act being to waive a right and not to assume or recognize the existence of a liability.

And when so amended would respectfully recommend its passage.

Mr. Austin moved to lay the bill, report and pending amendments on the table.

Messrs. Murray and Austin demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Comstock, Davis, Dobbins, Dougherty, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rash, Hamilton of Boone, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Knowlton, Lawhead, Lewis, Major, Mansfield, Miller, Murray, Nebeker of Warren, Nelson, Parks, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Whetzel, Wildman, Wood and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Colgrove, Collier, Durham, McLain, Mellett, Merrifield, Nebeker of Vermillion, Prosser, Sullivan and Tebbs—11.

So the motion prevailed.

Mr. Boyd moved to suspend the order of business and take up House bills on third reading;

Which was agreed to.



## HOUSE BILLS ON THIRD READING.

No. 37. A bill to amend section thirty-three of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," so as to provide that no suit against the maker of a written contract, assigned with or without written endorsement, shall be commenced without the county of the maker's residence.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bowman, Boyd, Brotherton, Carr, Cavins, Claypool, Colgrove, Davis, Dougherty, Early, Fordyce, Gifford, Harrison, Jones, Jordan, Knowlton, Lawhead, Major, Mansfield, Mellett, Murray, Parks, Prosser, Row, Shockley, Skull, Thompson of Madison, Turpie, Waterman, Wildman and Mr. Speaker—31.

*Those who voted in the negative were,*

Messrs. Austin, Clark, Collier, Comstock, Davisson, Dobbins, Durham, Eastham, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Hartley, Hunter, Johnston, Kelly, Lewis, McLain, Merrifield, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanley, Summers, Tebbs, Usrey, Wheeler, Whetzel, Whiteman and Wood—29.

So the bill failed.

Mr. Hamilton of Boone moved to reconsider the vote on taking up House bills on third reading;

Which was agreed to.

Mr. Knowlton moved to lay the motion to suspend the order of business, in order to take up House bills on third reading, on the table;

Which was agreed to.

## REPORTS FROM STANDING COMMITTEES.

Mr. Shields, from the committee on ways and means, made the following report:

**MR. SPEAKER :**

The committee on ways and means, to which was referred that part of the Governor's message which relates to the erection of a building for the use of the supreme court and for the preservation of the public records, have considered the same. They have called upon a competent architect, and procured from him a plan of a building, (which is herewith submitted,) that they regard as sufficient for the accommodation of the judges of the supreme court and the other State officers. All the rooms of the building, if erected, will be fire-proof, wherein any of the public records are kept. The State owns the property on the corner of Washington and Tennessee streets, south of the State-house square. The cost of such building would be not more than \$25,000. The amount of rent now paid by the State for rooms used by her officers and judges is \$1,490 per annum, and none of those rooms are safe against loss by fire. The building proposed to be erected will not cost a sum the annual interest upon which exceeds the rent now paid, and in addition to the convenience of having all the offices joined, the public records would be entirely safe. No one can fail to appreciate the immense loss which would be sustained if the records of the supreme court and of the various offices of State were destroyed. I have been directed by the committee to report to you the accompanying bill, and recommend its passage :

No. 297. A bill to provide for the erection of a building for the officers of State.

Which was read a first time and passed to a second reading.

Mr. Harrison obtained leave and presented a petition signed by James M. Brown and sundry other attorneys of Cass and Miami counties, praying for the removal of Samuel McFadden from the common pleas judgeship, in the district composed of those counties ;

Which,

On motion,

Was referred to a select committee of five.

The Speaker appointed Messrs. Knowlton, Smith of Miami, Lawhead, Martin and Merrifield said committee.

Mr. Wildman, from the committee on claims, made the following report :

**MR. SPEAKER :**

The committee on claims, to whom was referred the petition of a large number of citizens of Lagrange and Allen counties, asking the Legislature to make an appropriation to remunerate such

as have paid from their own resources for making arrests of horse thieves and felons of every description, infesting the northern portion of this State for many years past, have had the same under consideration, and a majority have instructed me to report the following facts and recommendation to the House :

Your committee find, as set forth in the petition and from other sources of information, that a portion of the people of the counties of Lagrange, Elkhart, Dekalb and Steuben, have for a number of years past been suffering from the depredations of a lawless gang of thieves, counterfeiters and black legs, whose robberies alone have amounted to more than ten thousand dollars, to say nothing of the terror they excited, the number of youth they led into crime, and the plans matured to waylay and murder peaceable inhabitants. Against this formidable combination of thieves and assassins the courts of justice afforded no adequate protection to life or property—the laws comparatively inoperative and the officers helpless. Your committee find that this terrible and unprecedented state of things continued for long weary years, until further forbearance ceased to be a virtue, and the people of those counties asserted the majesty and power of those God given rights essential to self-preservation, by voluntary associations under the laws of the State, for the detection and punishment of horse thieves and other felons. Many of these organizations sprang into existence with regular officers and a central committee upon whom devolved the plans of carrying the purposes of the people into execution, in the prosecution of their duties. Your committee find that property to the amount of thirty-five hundred dollars has been reclaimed, a portion of which was found hundreds of miles from home, in the States of New York, Ohio and Michigan, as well as many of the culprits who were tracked and overtaken in distant States, at a great outlay of time and money. Among the great number taken by these organizations and handed over to the civil authorities, your committee further find that twenty-five have been convicted and sentenced to the State prison, and five more are awaiting their trial. This is exclusive of the many who were cleared for the want of adequate proof, the many who escaped justice by fleeing from the State, and those taken to other States for trial. All this has been accomplished in the past sixteen months, at a cash outlay upon the part of those associations of six thousand dollars. Your committee cannot refrain from giving a list of the names as furnished by the proper officers of those organizations, and the several amounts opposite, as paid out for their detection and capture, the larger amounts are those who had to be returned from distant States, under the requisition of the Governor of Indiana, to-wit:



G. T. Ulmer and P. Randolph .....	\$1,150 30
— Pierson .....	63 45
Henry Bevington .....	67 41
— Danley .....	40 00
Aaron Aldridge .....	45 35
Barney Dearborn .....	25 00
Washington Huss .....	27 00
Daniel Wilson .....	62 12
Wm. Armitage .....	32 00
Thomas Bennett .....	43 63
John Oliver .....	15 00
Stephen Holmer .....	65 00
David Gilchrist .....	109 25
— Wood .....	15 00
George Randolph .....	20 50
Alexander Fleming .....	56 20
John R. Brewster .....	105 00
Malcomb Buman .....	100 00
James Forsith .....	28 00
James Maywhater .....	63 00
George Harcum .....	31 50
Peter Robinson .....	55 00
John Wilson .....	400 00
Wm. D. Hill .....	1,525 00
John T. Goodrich .....	40 00
Isaac Vanness .....	37 00
Leonard A. Shattock .....	45 00
H. J. Tenant .....	65 00
George Helms .....	55 00

Your committee cannot close this report without expressing their admiration of the successful efforts the above list shows in behalf of the peace and happiness of that portion of our State infested by this gang of thieves, and in vindication of her violated laws, together with the self-sacrificing spirit which impelled the people for so praiseworthy an object, to appropriate so large an amount of money out of their own individual resources. Your committee only regret that the State is not able to repay a good portion of the sums thus appropriated. They cannot do less, however, than recommend that a portion of this sum expended under the requisition by the Governor, to the amount of two thousand dollars be paid to the order of Leonard Barber, T. M. Andrews and Thomas Smith, out of any unappropriated money in the treasury, to be by them equally distributed towards paying said expenses, and that the committee of ways and means be and they are hereby instructed to place the above stated amount for the use of the persons aforesaid in the specific appropriation bill.

Mr. Cavins, from the same committee, made the following report:

MR. SPEAKER:

The minority of the committee on claims, to whom was referred divers claims of persons, for the apprehension of fugitives from justice, horse thieves and other felons, have had the same under consideration, and beg leave to dissent from the report of the majority of said committee in recommending said claims to be allowed.

*First.* Because it is an injustice towards many counties in this State that have already paid large sums of money for the apprehension of fugitives from justice, who have fled from said counties, to require them also to pay for the apprehension of fugitives who have fled from other counties.

*Second.* One of said claims was presented on behalf of a company, formed for the detection and apprehension of horse thieves and other felons, authorized by an act of the Legislature of 1852, by section 9 of said act it was provided that donations might be received by the company, to be applied to the purposes of their organization, and taxes assessed or fines imposed upon the members. The minority think that it was never contemplated by the Legislature that passed said act, that said companies should be paid by appropriations from the State treasury. But on the contrary, that they evidently intended that no such appropriations should be made. They therefore protest against the payment of any of said claims.

E. H. C. CAVINS.

I concur in the second specification of the foregoing report.

W. S. HARTLEY.

Mr. Dobbins moved to refer both the foregoing reports to the committee on ways and means.

Mr. Collier moved that the report of the majority of the committee be laid on the table.

Messrs. Cavins and Usrey demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Cavins, Colgrove, Collier, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hunter, Johnston, Jones, Kelly, Lawhead, Lewis, McLain, Massey, Mellett, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Prosser, Robinson, Rynerson, Sherman, Shields, Shockley

Shull, Tebbs, Thompson of Madison, Turpie, Usrey, Wheeler, Whiteman, Wildman and Wood—46.

*Those who voted in the negative were,*

Messrs. Boyd, Brotherton, Clark, Comstock, Claypool, Davisson, Griffin, Hall of Grant, Harney, Harrison, Jordan, Knowlton, Major, Mansfield, Merrifield, Miller, Murray, Ritter, Row, Smith of Miami, Stanley, Thompson of Elkhart, Waterman and Whetzel—25.

So the report was laid on the table.

Mr. Wildman moved to reconsider the vote just taken.

Mr. Dobbins moved to lay the motion to reconsider on the table.

Messrs. Murray and Wildman demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Brotherton, Carr, Cavins, Collier, Dobbins, Durham, Gifford, Gregory, Hancock, Hartley, Hunter, Johnston, Jones, Kelly, Lawhead, Lewis, McLain, Massey, Nebeker of Vermillion, Nelson, Parks, Prosser, Rynerson, Shockley, Shull, Snyder, Thompson of Madison, Turpie, Usrey and Wood—35.

*Those who voted in the negative were,*

Messrs. Branham, Clark, Claypool, Clements, Comstock, Davisson, Davis, Dougherty, Devol, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Jordan, Keefer, Knowlton, Mansfield, Merrifield, Miller, Murray, Nebeker of Warren, Ritter, Robinson, Row, Scott, Shields, Smith of Miami, Stanley, Summers, Tebbs, Thompson of Elkhart, Waterman, Wheeler, Whetzel, Whiteman and Wildman—39.

So the motion to reconsider was not laid on the table.

The question being on reconsidering the vote laying the majority report on the table.

Messrs. Hunter and Collier demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Branham, Clark, Claypool, Clements, Comstock, Davis, Dougherty, Griffin, Hall of Grant, Hall of Rush, Harney, Harrison,



Jordan, Knowlton, Mansfield, Merrifield, Murray, Ritter, Row, Scott, Sherman, Shields, Stanley, Summers, Waterman, Whetzel, Whiteman and Wildman—28.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Brotherton, Carr, Cavins, Colgrove, Collier, Dobbins, Durham, Devol, Edwards, Fordyce, Gifford, Hamilton of Boone, Hancock, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Lawhead, Lewis, McLain, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Prosser, Robinson, Rynerson, Shockley, Shull, Smith of Miami, Tebbs, Thompson of Madison, Turpie, Usrey, Wheeler and Mr. Speaker—44.

So the vote was not re-considered.

Mr. Dobbins then withdrew his motion to refer to the committee of ways and means.

Mr. Griffin, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred the petition of sundry citizens of Lake county, asking that a law may be passed authorizing the opening and repairing of highways on the State line between this State and adjoining States, have had the same under consideration, and instruct me to report the following bill and recommend its passage :

No. 298. A bill to provide for laying out and repairing highways upon the line between Indiana and other States ;

Was read a first time and passed to a second reading.

Mr. Rynerson, from the committee on agriculture, made the following report :

MR. SPEAKER ;

The committee on agriculture, to whom was referred House bill No. 244, a bill to amend the 23d section of an act entitled "an act to provide for the valuation and appraisement of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, have had the same under consideration, and direct

me to report the same back to the House and recommend its passage;

The report was concurred in.

Mr. Dougherty moved to amend the bill by striking out the words "to the General Assembly;"

Which was agreed to.

Mr. Jordan moved to re-commit the bill to the committee on agriculture, with the following instructions:

"To so change the present law on this subject as to provide for taking of such statistics but once in three years."

Mr. Johnston moved to amend the instructions by striking out "three" and inserting five years."

Mr. Hamilton of Boone moved to lay the proposed instructions and amendment thereto on the table.

Messrs. Dougherty and Jordan demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Carr, Claypool, Colgrove, Collier, Comstock, Davisson, Davis, Dougherty, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Hancock, Harrison, Hunter, Jones, Keefer, Lawhead, Mansfield, Murray, Nebeker of Vermillion, Nebeker of Warren, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Stanley, Thompson of Elkhart, Turpie, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Blythe, Boyd, Brotherton, Cavins, Clark, Dobbins, Early, Gifford, Johnston, Jordan, Kelly, Lewis, McLain, Massey, Nelson, Parks, Prosser, Robinson, Summers, Thompson of Madison, Waterman and Wood—22.

So the motion prevailed, and House bill No. 244 was ordered to be engrossed.

Mr. Shields obtained leave and offered the following resolution:

WHEREAS, House bill No. 147 was passed through the House without sufficient consideration, therefore,

*Resolved*, That the Senate be respectfully requested to return said bill to the House for its reconsideration.

Which was agreed to.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bill:

Senate bill No. 145. An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act.

#### BILLS INTRODUCED.

Mr. Harney, under a suspension of the order of business, introduced

No. 299. A bill to authorize donations to be made to the State by any person or municipal corporation for building or enlarging benevolent institutions, or for the use or benefit of common schools;

Which was read a first time and passed to a second reading.

Mr. Early obtained leave and introduced

House bill No. 300. A bill providing that certain notices of public sales and other legal notices therein named, shall be published in some newspaper printed at the county seat of the county, wherein such notices are to be given in all cases where a newspaper of general circulation is published at such county seat;

Which was read a first time and passed to a second reading.

Mr. Murray obtained leave and introduced

House bill No. 301. A bill to repeal so much of the law for the collection of taxes as requires county treasurers to attend at the place of holding elections for that purpose;

Which was read a first time and passed to a second reading.

Mr. Bowman obtained leave and introduced

House bill No. 302. A bill regulating the public printing of the



State of Indiana, and fixing the compensation therefor, and prescribing the duties of certain officers therein named ;

Which was read a first time and passed to a second reading.

Mr. Davis obtained leave and introduced the following bill :

No. 303. A bill supplementary to the fifteenth article of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize attachments in certain cases ;

Which was read a first time and passed to a second reading.

Mr. Dobbins obtained leave and introduced

House bill No. 304. A bill supplementary to an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852 ;

Was read a first time and passed to a second reading.

On motion by Mr. Gregory,  
The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met.

Mr. Merrifield, under a suspension of the order of business, introduced

House bill No. 305. A bill establishing the salaries of public officers, and providing the means of paying the same ;

Which was read a first time and passed to a second reading.

Mr. Jordan obtained leave and presented a petition signed by sundry citizens of Harrison county, praying for the allowance of a certain claim therein named in favor of Isaac R. Sibert and others ;

Which was,

On motion,

Referred to the committee on claims.

Mr. Keefer moved to suspend the order of business and take from the table

House bill No. 200. A bill for the punishment of officers, agents, clerks, servants or carriers from embezzling, using or secreting money, goods, evidence of debt or other valuable property ;

Which was agreed to.

The bill was taken up and ordered to be engrossed.

Mr. Brotherton obtained leave and introduce the following bill:

No. 306. A bill for the relief of John M. Shiery ;

Which was read a first time and passed to a second reading.

Mr. Blythe moved to suspend the order of business and take up Senate message containing House bill No. 210: .

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, to-wit:

House bill No. 210. A bill to create the fifteenth judicial circuit.

With the following engrossed amendment of the Senate thereto:

Amend section 3 so that it will read as follows:

Sec. 3. Said courts, if the business thereof require it, shall sit in the counties of Crawford and Warrick one week each, in the counties of Perry, Spencer and Posey two weeks each, and in the county of Vanderburgh as long as the business thereof may require it ;

In which the concurrence of the House is respectfully requested.

On motion,

The engrossed amendments of the Senate were concurred in.

Mr. Blythe obtained leave and made the following report from a select committee :

**MR. SPEAKER:**

The select committee, to whom was referred House bill No. 267, a bill prescribing the time of holding, and the length of

terms, of the courts in the third judicial circuit, have had the same under consideration, and have directed me to report the following amendments, and when so amended to recommend its passage:

Strike out in the tenth line the word "Pike" and insert "Davies."

In the eleventh line strike out "Davies" and insert "Pike."

In the twelfth line strike out "Pike" and insert "Davies."

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Blythe obtained leave and made the following report from the same select committee:

**MR. SPEAKER:**

The select committee, to whom was referred House bill No. 268, a bill prescribing the time of holding the courts of common pleas in the several counties therein named, have had the same under consideration, and have instructed me to report the following amendments, and when so amended to recommend its passage:

In the fifth line strike out the word "first" and insert the word "second."

In the seventh line strike out the word "third" and insert "fourth."

In the twelfth line strike out "two" and insert "four."

In the thirteenth line strike out "third" and insert "fourth."

The report was concurred in, and the bill as amended ordered to be engrossed.

Mr. Dobbins, under a further suspension of the order of business, made the following report from a select committee:

**MR. SPEAKER:**

House bill No. 100. A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana, was referred back from the committee on agriculture and referred to a joint select committee, of which the member from Perry is chairman, as it is important that said bill be put upon its passage, I herewith report it back with the consent of the chairman of said committee and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed.



Mr. Griffin obtained leave and made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 121 entitled a bill to provide for the protection of fish in lakes in this State, and defining the time in which the same may be shot or caught with seines or nets, and declaring the penalty for the violation of this act, have had the same under consideration, and instruct me to report the following as an amendment to be inserted after the enacting clause, and when so amended recommend that it pass :

That any person who shall catch any fish in the waters of any lake or running stream of water in this State with seines or nets of any description whatever between the first day of March and the first day of September in each year, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than fifty dollars for such offence, and any person who may have been engaged in catching fish in violation of this act may be compelled to testify against the others therein concerned.

Sec. 2. As there is no law now in force on this subject, there is an emergency for the immediate taking effect of this act. Therefore this act shall be in force and take effect from and after its passage ;

The report was concurred, the amendments adopted, and the bill ordered to be engrossed.

Mr. Major obtained leave and introduced

House bill No. 307. A bill providing for the repayment of State taxes illegally assessed and collected for 1857, and paid into the State treasury ;

Which was read a first time and passed to a second reading.

Mr. Kelly, by leave from the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred a resolution in regard to the protection of sheep and the taxation of dogs, have had the subject under consideration, and have instructed me to report the following bill :

No. 308. A bill to encourage the preservation of sheep, and taxing dogs, and for other purposes ;

Was read a first time and passed to a second reading.

Mr. Martin obtained leave and introduced the following bill :

No. 309. A bill to repeal an act entitled "an act to provide for the election, fixing the compensation and prescribing the duties of attorney general of the State of Indiana, approved February 21, 1855 ;"

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

House bill No. 279. A bill to empower plank road companies to sell and convey their real estate.

Was read a second time, and

On motion,

Referred to the committee on corporations.

House bill No. 280. A bill to give the custody and control of the records and papers of the former probate courts of the different counties in this State to the clerks of the courts of common pleas, and authorize the clerks of the common pleas to make and certify transcripts of the same.

Was read a second time, and

On motion,

Referred to the committee on the organization of courts of justice.

House bill No. 281. A bill providing for the incorporation of canal companies.

Was read a second time, and,

On motion,

Referred to the committee on the judiciary.

No. 282. A bill concerning the sinking fund and its management, and prescribing the powers and duties of the sinking fund board and its officers.

Was read a second time, and

On motion,

Referred to the committee on education.

House bill No. 273. A bill to legalize changes in highways made by railroad companies in this State ;

Was read a second time, and

On motion by Mr. Merrifield,

Referred to a select committee of five.

The Speaker appointed Messrs. Turpie, Dougherty, Blythe, Harrison and Scott.

No. 283. A bill amending the thirty-third section of the first chapter of the revised code of 1852, prescribing where suit may be brought in certain cases therein named,

Was read a second time, and

On motion,

Referred to the committee on education.

No. 284. A bill establishing fees for duties performed in the Sinking Fund Office, and in connection therewith.

Was read a second time, and

On motion,

Referred to the committee on education.

No. 285. A bill authorizing the redemption of lands mortgaged or that may be mortgaged to the sinking fund or other trust funds, and the re-instating of mortgages in certain cases therein named, and to provide a remedy against bidders failing to comply with the terms of sale in cases of land sold by the sinking fund commissioners.

Was read a second time, and

On motion,

Referred to the committee on education.

No. 287. A bill providing for the extension of the buildings of the Hospital for the Insane, and authorizing a loan of money for that purpose;

Was read a second time, and

On motion,

Referred to the committee on benevolent institutions.

No. 286. A bill to fix the price that shall be paid for printing notices required by law, and defining penalties for a violation thereof.

Was read a second time and ordered to be engrossed.

No. 288. A bill authorizing the payment of a reward for the discovery of the cause of the disease commonly known as "milk sickness;"

Was read a second time, and

On motion,

Was referred to the committee on agriculture.

No. 289. A bill to amend section 20 of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders incident thereto," approved May 13, 1852;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.



No. 290. A bill to repeal the sixth section of an act entitled an act concerning promissory notes and bills of exchange.

Was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of this State.

House bill No. 269. A bill concerning enclosures, trespassing animals, fences, inclosing railroads connecting therewith and on the land of any railroad company.

Was read a second time, and

On motion,

Referred to the committee on corporations.

House bill No. 271. A bill making it a felony to cut down, or to cut down and carry away any standing timber, in certain cases therein named, and to prescribe a punishment therefor.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of this State.

House bill No. 272. A bill defining the meaning of the word "fence," as used in an act entitled "an act concerning enclosures, trespassing animals, and partition fences," approved June 4, 1852.

Was read a second time, and

On motion,

Referred to the committee on corporations.

House bill No. 274. A bill to provide for the care of and enclosure of square number twenty-five, in the city of Indianapolis, providing for its use as a site for a State House, and providing for the use of the present State House and adjoining grounds for a State University;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 292. A bill requiring preference to be given to graduates of the Institution for the education of the Blind, and for the deaf and dumb desiring employment in said institutions.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 270. A bill declaring it to be a misdemeanor to break down, open or remove any fence or enclosure of any railroad, and prescribing the penalty therefor.

Was read a second time, and

On motion,

Was referred to the committee on the judiciary.

No. 276. A bill to amend section 5 of an act entitled "an act to organize a supreme court, and prescribing certain duties of the judges thereof," approved May 13, 1852;

Was read a second time and ordered to be engrossed.

No. 275. A bill authorizing and directing the State Librarian to furnish to the warden of the State prison the supreme court reports and laws and documentary journals;

Was read a second time, and

On motion,

Was referred to the committee on the judiciary.

No. 295. A bill to provide for the erection of an additional State's prison and making an appropriation therefor, and making it a felony to violate certain provisions thereof, and prescribing punishment therefor;

Was read a second time.

Mr. Scott moved to refer the bill to a select committee of seven, with Mr. Snyder as chairman.

Mr. Devol moved to amend by referring to the committee on the judiciary;

Which was not agreed to.

The question then being on referring to a select committee of seven;

It was so ordered.

The Speaker appointed Messrs. Snyder, Turpie, Sherman, Edwards, Hunter, Devol and Mellett said committee.

No. 296. A bill to provide for the extension of the buildings of the State prison at Jeffersonville;

Was read a second time, and

On motion,

Referred to the select committee to which was referred bill No. 295.

No. 294. A bill providing for the construction of a State prison at ———, in this State;

Was read a second time, and

On motion,

Referred to the select committee appointed on bill no 295.

House bill No. 277. A bill to amend section eight of an act to regulate fees of officers, and repealing former acts in relation thereto, approved March 2, 1855;

Was read a second time and

On motion,

Referred to the committee on fees and salaries.

No. 293. A bill fixing the time and mode of electing State Printer, defining duties, fixing compensation, and repealing all laws coming in conflict with this act;

Was read a second time

Mr. Murray moved to amend as follows:

Strike out "joint ballot" and insert "joint *viva voce*."

Mr. Murray moved to lay the bill and pending amendment on the table;

Which was agreed to.

Mr. Brotherton, from the committee on rights and privileges, obtained leave and made the following report:

MR. SPEAKER:

The committee on rights and privileges of the inhabitants of this State, to whom was referred House bill No. 187, a bill to amend an act approved February 28, 1855, entitled "an act to amend the the act entitled an act to authorize the construction of plank, McAdamized and gravel roads, and to empower the same to make sale of a portion of their roads," so as to give the right to any corporation that has bought or may hereafter buy any of the above named roads, to do the business of such road in the corporate name of the buyer, and also to amend so as to reduce the tariff of tolls, have had the same under consideration, and have directed me to report the following amendment, after the adoption of which they recommend its passage:

Amend by striking out all after the enacting clause and insert the following:

That the second section of said act which reads as follows, to-wit:

Sec. 2. That it shall be lawful for any plank, McAdamized, turnpike or gravel road company heretofore organized or hereafter to be organized, whether under general or special charter, to sell any part or section of their road, (two-thirds of the directors in such company, or a majority in value of the stockholders present in person or by proxy at any regular or called meeting concurring in such sale,) to any other party or corporation at such price, and upon such terms as may be mutually agreed upon, and to convey by deed to such party or company such portion or section of the road so sold, with all the rights, properties and franchises thereunto pertaining, shall be and the same is hereby amended so as to read as follows, to-wit:

That it shall be lawful for any plank, McAdamized, turnpike or gravel road company heretofore organized or hereafter to be organized, whether under general or special charter, to sell any part



or section of their road, (two-thirds of the directors of such company, or a majority in value of the stockholders present in person or proxy in any regular or called meeting concurring in such sale,) to any other party or corporation at such price, and upon such terms as may mutually be agreed upon, and to convey by deed to such party or company such portion or section of the road so sold, with all of the rights, properties and franchises thereunto pertaining, and it shall be lawful for the party, company or corporation that has heretofore bought or may hereafter buy any such plank, McAdamized, turnpike or gravel road, to exercise all the rights, properties and franchises thereunto pertaining in the name of such party, company or corporation, and in as full and ample a manner as the company or corporation from whom the same was purchased;

The report was concurred in, the amendment adopted, and the bill as amended ordered to be engrossed.

On motion by Mr. Murray,

The House adjourned until Monday morning 9 o'clock, A. M.

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MONDAY MORNING, 9 o'clock, A. M. }  
February 21, 1859. }

The House met.

On motion by Mr. Murray,

The reading of the journal was dispensed with.

Mr. Murray moved that Mr. Colgrove and Mr. Thompson of Elkhart be added to the select committee to whom was referred House bill No. 295;

Which was agreed to.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Summers,

A petition by James R. Lembeir, in reference to a claim therein named;

Which was,

On motion,

Referred to the committee on claims.

H. J.—43.

By Mr. Wheeler,

A petition signed by sundry citizens of Allen county, in regard to the Wabash and Erie Canal ;

Which,

On motion,

Was referred to the committee on canals.

Mr. Edwards obtained leave and offered the following resolution :

*Resolved*, That House bill No. 147, entitled a bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares and to issue certificates therefor, be and the same is hereby directed to be returned to the Senate.

Mr. Comstock moved to lay the resolution on the table ;  
Which was agreed to.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Colgrove from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred Senate bill No. 112, being a bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," and to provide for the penalty upon city taxes remaining delinquent after the third Monday of March, 1859, have had the same with the instructions of the House under consideration, and have instructed me to report the same back amended as instructed, as follows, to-wit :

Amend section nine of said act as follows, namely :

Sec. —. That section nine of said act, which reads as follows, namely :

Sec. 9. The officers of said city shall consist of a mayor, two councilmen from each ward, a city clerk, assessor, treasurer, engineer, street commissioner and marshal, and if the common council deem it expedient for the best interests of said city, a city attorney and city judge ; *Provided*, That the common council may dispense with the street commissioner and require the marshal to

perform his duties. All such officers elected at any special election shall hold their offices until the next general election on the first Tuesday in May, and until their successors shall be elected and qualified. After said first general election said officers shall respectively hold their offices as follows, to-wit: The mayor and city judge, two years each; the clerk, assessor, treasurer, street commissioner, marshal and attorney, one year each; and the councilmen shall be chosen by the legal voters of their respective wards, and one councilman from each ward to be determined by lot at the first regular meeting after their election, shall hold his office one year, and the other, to be determined in like manner, shall hold his office two years, and annually thereafter, one councilman shall be elected by the legal voters of each ward, and all of said officers shall hold their respective offices during their respective terms, and until their successors are elected and qualified. The said clerk, assessor, treasurer and marshal, with the consent of the common council, may appoint one or more deputies when necessary.

Be so amended as to read as follows, namely:

Sec. 9. The officers of said city shall consist of a mayor, two councilmen from each ward, a city clerk, assessor, treasurer, engineer, street commissioner and marshal, and if the common council deem it expedient for the best interests of the city, a city attorney and city judge; *Provided*, That the common council may dispense with the street commissioner and require the marshal to perform his duties. All such officers elected at any special election shall hold their offices until the next general election on the first Tuesday in May, and until their successors shall be elected and qualified. After the first general election, said officers shall respectively hold their offices for two years each; the councilmen shall be chosen by the legal voters of their respective wards, one councilman from each ward, to be determined by lot at the first regular meeting after their election, shall hold his office for two years, and the other to be determined in like manner, shall hold his office four years, and biennially thereafter, one councilman shall be elected by the legal voters of each ward, and all of said officers shall hold their respective offices during their respective terms, and until their successors are elected and qualified. The clerk, assessor, treasurer and marshal, with the consent of the common council, may appoint deputies when necessary.

Amend further, as follows:

Sec. —. That section 17 of said act, which reads as follows, to-wit:

Sec. 17. Vacancies in the office of mayor, city judge, clerk or councilman occurring in any manner, shall be filled by special election ordered by the common council, and conducted in the same



manner as the annual election therefor, and all vacancies in other offices shall be filled by the common council.

Be so amended as to read as follows, to-wit :

Sec. 17. Vacancies in the office of mayor, city judge, clerk or councilman occurring in any manner, shall be filled by special election ordered by the common council, and conducted in the same manner as the biennial election therefor, and all vacancies in other offices shall be filled by the common council.

Amend further, as follows :

Sec. —. That section 78, which reads as follows, to-wit :

Sec. 78. Whenever a petition, signed by thirty or more freeholders, is presented to the common council, praying for the creation of a new and additional ward, and such petitioners are residents of, and shall have freehold within the limits of the proposed ward, and have attached thereto a roll containing an enumeration of the inhabitants thereof, verified by affidavit, such council, if they find that the proposed ward has the requisite population, and that the petition is genuine, shall submit the question to the voters of the city, at the next annual election, by publishing the proposition in the general notice of elections, and the question shall be decided by ballot, "Yes" or "No," as is provided in section six of this act, in relation to the incorporation of cities.

Be so amended as to read as follows, to-wit :

Sec. 78. Whenever a petition, signed by thirty or more freeholders, is presented to the common council, praying for the creation of a new and additional ward, and such petitioners are residents of, and shall have freehold within the limits of the proposed ward, and have attached thereto a roll containing an enumeration of the inhabitants thereof, verified by affidavit, such council, if they find that the proposed ward has the requisite population, and that the petition is genuine, shall submit the question to the voters of the city, at the next biennial election, by publishing the proposition in the general notice of elections, and the question shall be decided by ballot, "Yes" or "No," as is provided in section six of this act, in relation to the incorporation of cities.

Amend further by inserting the following section after section eleven :

Sec. —. The common council shall have power to compel railroad companies having a portion of their track within the limits of the city to light their tracks therein at the street crossings, and to provide a guard at such places so as to prevent injuries to the persons and property of citizens.

And also with the following further amendment, to-wit :

Sec. —. That section 84, which reads as follows, namely :

Sec. 84. When any city shall desire to annex contiguous territory thereto, not platted or laid off, the common council shall present to the board of county commissioners a petition, setting forth the reasons for such annexation, and shall accompany the same with a map or plat, accurately describing, by metes and bounds, the territory proposed to be attached, which shall be verified by affidavit. Such common council shall give thirty days' notice by publication in one or more newspapers of the city, of the intended petition, stating in such notice the territory to be annexed.

Be so amended as to read as follows, namely :

Sec. 84. When any city shall desire to annex contiguous territory thereto, not platted or laid off, the common council shall present to the board of county commissioners a petition, setting forth the reasons for such annexation, and shall accompany the same with a map or plat, accurately describing, by metes and bounds, the territory proposed to be attached, which shall be verified by affidavit. Such common council shall give thirty days' notice by publication in one or more newspapers of the city, of the intended petition, stating in such notice the territory to be annexed; *Provided, however,* That territory of five acres or upwards, belonging to any person, and used for garden or agricultural purposes, shall not be annexed unless by the consent of the owner or owners thereof.

And when so amended they recommend its passage;

The was concurred in and the amendments adopted,

The bill as amended was then ordered to be engrossed.

Mr. Dougherty, from the committee on fees and salaries, made the following report:

MR. PEAKER:

The committee on fees and salaries, to whom was committed House bill No. 211, a bill to amend the 2d, 3d, 4th, 7th, 8th and 9th sections of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," have had the same under consideration, and have instructed me to report the same back to the House with the following amendments, and when so amended recommend its passage:

Amend by striking out from the enacting clause and insert the following:

Sec. 1. That section four of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, which reads as follows, to-wit:

The clerks fees in relation to estates and guardianships shall be as follows, to-wit:

## CLERKS FEES IN RELATION TO ESTATES AND GUARDIANSHIPS.

- For all copies, per one hundred words, ten cents.
- Administering an oath, five cents.
- For each writ required by law, fifty cents.
- For letters of administration and recording the same, one dollar.
- Proving a will and endorsing a certificate thereon, one dollar.
- Qualifying executor, administrator or guardian, taking bond and writing certificate, one dollar.
- Proving codicil and endorsing certificate, one dollar.
- Recording inventory or account, per 100 words, ten cents.
- Giving each notice required by law, fifty cents.
- Entering order and reading the same, ten cents.
- Recording will, per 100 words, twelve and a half cents.
- For examining each settlement or report of an administrator, executor or guardian, fifty cents.
- For each affidavit, twenty-five cents.
- For entering each motion, ten cents.
- For entering on an appearance docket the title of an estate, twelve and a half cents.
- For entering continuance, twenty cents.
- For certificate and seal, fifty cents.
- Filing each paper, three cents.
- For making up entry and words not herein provided for, per 100 words, twelve and a half cents.
- For every trial, twenty-five cents.
- For all service not specifically provided for in this act, the clerk shall be allowed the same fees as are by law allowed for similar services.

Be so amended as to read as follows :

The clerks fees in relation to estates and guardianships shall be as follows, to-wit :

## CLERKS FEES IN RELATION TO ESTATES AND GUARDIANSHIPS.

- For all copies, per 100 words, ten cents.
- Administering an oath. five cents.
- For each writ required by law, fifty cents.
- For letters testamentary of administration or guardianship, and recording the same, seventy-five cents.
- Proving a will and endorsing certificate thereon, seventy-five cents.
- Proving codicil and endorsing certificate, seventy-five cents.
- Qualifying administrator, executor or guardian, taking bond and writing certificate, seventy-five cents.
- Giving each notice required by law, fifty cents.
- Entering each order and reading the same, ten cent.
- Recording will, per 100 words, ten cents.



For examining each settlement of an administrator, executor or guardian, fifty cents.

For writing each affidavit and swearing appellant, twenty-five cents.

For entering each motion, ten cents.

For entering on the appearance docket the title of an estate, ten cents.

For entering continuance, fifteen cents.

For certificate and seal, fifty cents.

Filing each paper, three cents.

For making up entries and records not herein provided for, per 100 words, twelve and a half cents.

For every trial, twenty-five cents.

For all service not specifically provided for in this act, the clerk shall be allowed for the same fees as are by law allowed for the same services.

Sec. 2. That section five of said act, which reads as follows:

The sheriff's fees shall be as follows, to-wit:

#### SHERIFF'S FEES.

For serving a writ and taking into custody, fifty cents.

For every mile travelled in going and returning to serve process, five cents.

Taking bail, twenty-five cents.

Taking recognizance and drawing it up in form, fifty cents.

Returning every writ, ten cents.

Summoning a jury (with mileage as above,) seventy-five cents.

Executing a writ of possession, one dollar.

Calling a jury in each cause, seventy-five cents.

For every person committed to jail, fifty cents.

Discharging every person out of jail, forty cents.

Holding an inquisition, drawing up and returning the same, one dollar and fifty cents.

Serving a summons, thirty cents.

Attending a prisoner before a judge when surrendered by his bail, and receiving the prisoner into custody, fifty cents.

Boarding each prisoner each day, fifty cents.

Selling property on execution, a commission of five per centum on the first three hundred dollars, and two per centum on any excess above that amount, but when the money is paid to him without sale, one-half commission only shall be allowed.

Taking a valuation of lands, seventy-five cents.

Taking a replevin bond, seventy-five cents.

Serving a *capias ad satisfaciendum*, one dollar.

Levying on property and advertising same without sale, one dollar.

Mileage as above when no money is made, and no other fee or

reward shall be allowed on executions, except for the expense of keeping property.

Making a deed of sale of real estate on execution, two dollars.

Serving a writ of attachment, fifty cents.

Returning writ of attachment, twenty-five cents.

Sheriffs shall not be entitled to any fees for service performed by their bailiffs when such bailiffs are receiving pay by the day from the county at the time such services are rendered.

For postage paid on letters, received or directed to the clerk of the supreme court, in closing process issued by said court, the amount thereof to be returned as an item of charge.

When the sheriff is provided by the county commissioners with a dwelling room in the building containing the jail, he shall not be allowed exceeding forty cents per day for boarding each prisoner.

In criminal cases not provided for, the like fees as for services in civil cases.

For collecting fee bills, six per cent on the amount thereof.

For taking convicts to the State prison, and all expenses incident to the same, per mile, for going and returning, to be paid out of the State treasury, fifteen cents.

For each additional convict taken at the same time, per mile, ten cents.

For taking a prisoner to another county such fees as the board doing county business in the county whence the prisoner was taken, may, in their discretion, allow out of the funds of said county.

For each commitment and discharge for a prisoner under any city authority, twenty cents.

Clerks and sheriffs shall be allowed to receive such reasonable allowances for extra services as the boards of county commissioners may think right and proper to be paid out of the county treasury.

Be so amended as to read as follows:

The sheriff's fees shall be as follows, to-wit :

#### SHERIFF'S FEES.

For serving a writ and taking into custody, fifty cents.

For every mile traveled going and returning to serve said process, five cents.

Taking bail, twenty-five cents.

Taking recognizance and drawing it up in form, fifty cents.

Returning every writ, ten cents.

Summoning a jury on special *venire*, to be paid by the parties, (with mileage as above,) seventy-five cents.

Executing a writ of possession, one dollar.

Calling a jury in each cause, ten cents.

For every person committed to jail, fifty cents.

Discharging any person out of jail, forty cents.

Holding an inquisition, drawing up and returning the same, one dollar and fifty cents.

Serving a summons, thirty cents.

Attending a prisoner before a judge when surrendered by his bail and receiving the prisoner into custody, fifty cents.

Boarding each prisoner per day, fifty cents.

Selling property on execution, a commission of five per centum on the first three hundred dollars, and two per centum on any excess above that amount, but when the money is paid to him without sale, one-half commission only shall be allowed.

Taking a valuation of lands, seventy-five cents.

Taking an undertaking for a return of goods, seventy-five cents.

Serving a *capias ad satisfaciendum*, one dollar.

Levying on property and advertising the same without sale, one dollar.

Mileage as above when no money is made, and no other fee or reward shall be allowed on execution, except for the expense of keeping property.

Making a deed of sale of real estate on execution, two dollars.

Serving a writ of attachment, fifty cents.

Returning a writ of attachment, twenty-five cents.

Sheriffs shall not be entitled to any fees for service performed by their bailiffs when such bailiffs are receiving pay by the day from the county at the time such services are rendered, nor shall such sheriff permit such bailiff to serve subpoenas or other writs in civil cases when under pay by the county aforesaid.

For postage paid on letters received from or directed to the clerk of the supreme court, enclosing process issued by said court, the amount thereof to be returned as an item of charge.

When the sheriff is provided by the county commissioners with a dwelling room in the building containing the jail, he shall not be allowed exceeding forty cents per day for boarding each prisoner.

In criminal cases not provided for, the like fees as for civil cases.

For collecting fee bills six per centum on the amount thereof.

For taking convict to the State Prison, and all expenses incident to the same per mile for going and returning, to be paid out of the State Treasury, fifteen cents.

For each additional convict taken at the same time, per mile, ten cents.

*Provided*, That these fees shall not be paid unless all the convicts sentenced at any term of a court be taken to the prison at the same time.

For taking a prisoner to another county such fee as the board of commissioners in the county whence the prisoner was taken, may, in their discretion, allow out of the funds of said county.

For each commitment and discharge for a prisoner under any city authority, twenty cents.

Clerks and sheriffs shall be entitled to receive such reasonable allowance for extra services as the board of county commissioners



may think right and proper, to be paid out of the county treasury, which allowance shall be in full compensation for all extra and other services when no certain fee is fixed by law, and it shall not be lawful for any court to make allowances from the county treasury to clerks for any docket, nor to sheriffs for summoning juries, nor to either of them for any fee or service, unless the same is expressly required by law to be paid out of the county treasury.

SEC. 3. An be it further enacted that section eight of said act, which reads as follows :

The county auditor's fees shall be as follows, to-wit :

#### COUNTY AUDITOR'S FEES.

For all records, copies and writings, for each one hundred words, (counting three figures as one word,) ten cents.

Filing each paper, except county orders and papers retained by township assessors, five cents.

Each county order, five cents.

For certificate, twenty-five cents.

Each record of an agreement, twenty-five cents.

Each acknowledgement of a deed, to be paid by the person for whom the same is rendered, twenty-five cents.

Assignment of tax and school certificate, and recording the same, to be paid by the assignee, twenty-five cents.

Administering an oath, five cents.

Each tax deed, to be paid by the person receiving such deed, one dollar.

Each special constable's bond, oath, and registration of the same, to be paid by such constable, one dollar.

Each certificate and seal, to be paid by the person requesting the same, fifty cents.

Each mortgage to secure a loan of school fund, to be paid by the mortgager, fifty cents.

For each tract on parcel of land sold for taxes, ten cents.

Writing any affidavit necessarily connected with the business of his office and swearing the affidavit thereto, twenty-five cents.

Each merchant's or other license, fifty cents.

Registering receipt given by the treasurer for money, five cents.

Each bond taken in the discharge of his official duties, thirty cents.

Each quietus for land redeemed to be paid by the person redeeming, twenty cents.

Each quietus for treasurer's receipt, five cents.

Each writ, notice or process required to be under seal, fifty cents.

If not under seal, twenty-five cents.

Each day engaged in the county board of equalization, one dollar and fifty cents.

In trials before the board of county commissioners, the auditor shall be entitled to the same fees as are allowed clerks of the circuit court for similar services, when no specific fee is fixed in the act, which shall be paid by the county or other person, as the right of the case may be, as such board or court may order.

Be so amended as to read as follows :

The county auditor's fees shall be as follows, to-wit :

#### COUNTY AUDITOR'S FEES.

Filing each paper, **except** county orders, and papers returned by township assessors and appraisers of real estate, five cents.

Tax certificate, twenty-five cents.

Each record of agreement, twenty-five cents.

Each acknowledgment of a deed to be paid by the person for whom the service is rendered, twenty-five cents.

Assignment of tax and school certificate and recording the same, to be paid by the assignor, twenty-five cents.

Administering an oath, five cents.

Each tax deed to be paid by the person receiving such deed, one dollar.

Each special constable's bond, oath and registration of the same, to be paid by each constable, one dollar.

Each certificate and seal to be paid by the person requesting the same, fifty cents.

Each mortgage to secure a loan of school fund, to be paid by the mortgagor, fifty cents.

For each tract or parcel of land sold for taxes, ten cents.

Writing any affidavit necessarily connected with the business of his office, and swearing the affiant thereto, twenty-five cents.

Each merchant's or other license, fifty cents.

Registering receipt given by the treasurer for money, five cents.

Each bond taken in the discharge of his official duties, thirty cents.

Each quietus for land redeemed, to be paid by the person redeeming, twenty cents.

Each quietus for treasurer's receipt, five cents.

Each writ, notice or other process required to be under seal, fifty cents.

If not under seal, twenty-five cents.

Each day engaged in the county board of equalization, one dollar and fifty cents.

For issuing a county order, five cents.

But when more than one order is issued for any one allowance of a board or county, no fee shall be charged for such additional order.

For all records, copies and other writings, per 100 words, (counting three figures as one word,) ten cents.

*Provided, however,* That in counting the number of words on the tax duplicate, and other records and writings, no words or figures shall be counted unless the same are actually written therein, nor shall characters or marks made in lieu thereof, be counted as such words or figures, nor shall figures and calculations made elsewhere than in the proper columns of said duplicates in making out the same by the auditor be included in such count, and it shall be the duty of the board of county commissioners before making any allowance to the auditor for making out the duplicates, to personally count and estimate the number of words therein, or cause the same to be done by a skilful and disinterested accountant, to be by them appointed and sworn for that purpose; *Provided further,* That it shall be the duty of the auditor to make out quarterly an itemized statement of every service and fee for which he claims an allowance from the treasury, to which statement he shall attach his affidavit of the correctness of every such item of charge, and when the allowance is made, said statement shall be entered therewith at full length on the record of said board of commissioners, and the latter shall cause the aggregate amount of the allowances thus made to the auditor for the preceding year, to be set forth as a distinct item in the yearly statement of the receipts and expenditures of the preceding year, by them posted and published as required by law.

In trials before the board of county commissioners, the auditor shall be entitled to the same fees as are allowed clerks of the circuit court for similar services, when no specific fee is fixed in this act, which shall be paid by the county or other person, as the right of the case may be, as such board or court may order.

Sec. 4. Inasmuch as an emergency exists for the immediate taking effect of this act, it shall take effect and be in force from and after its passage.

Mr. Baird moved to recommit the bill and report to the committee on the judiciary ;

Which was not agreed to.

The report was then concurred in.

Mr. Harney offered the following amendment:

Amend as follows:

The county treasurers shall not receive more than one thousand dollars where the duplicate is less than \$50,000, and for each \$25, 000 additional upon the duplicates they shall be allowed \$500, for clerk hire, and he shall account for all money received, except his fees now allowed by law, which shall not exceed in the aggregate the amount specified above;

Which was agreed to.

Mr. Dougherty moved to reconsider the vote just taken ;

Which was agreed to.



Mr. Murray then moved to lay the amendment on the table:  
Which was agreed to.

Mr. Mellett moved to recommit the bill and report to the committee on fees and salaries.

Messrs. Dougherty and Whetzel demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Brotherton, Carr, Claypool, Colgrove, Comstock, Davisson, Early, Edwards, Fordyce, Gregory, Griffin, Hamilton of Boone, Hancock, Johnston, Jones, Lawhead, McLain, Mansfield, Mellett, Miller, Nebeker of Warren, Nelson, Row, Scott, Sherman, Shull, Snyder, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Wheeler, Wood and Mr. Speaker—40.

*Those who voted in the negative were,*

Messrs. Cavins, Clark, Davis, Dobbins, Dougherty, Gifford, Hall of Grant, Harney, Hunter, Jordan, Kelly, Lewis, Major, Merrifield, Murray, Martin, Nebeker of Vermillion, Parks, Prosser, Ritter, Shockley, Stanley, Stanfield, Summers, Waterman, Whetzel, Whiteman and Wildman—28.

So the motion prevailed.

Mr. Snyder offered the following instructions to the committee:

To provide for uniformity in allowances to county auditors for making tax duplicate, and also for a limitation in fees to auditors for transferring lands described in a single deed, so that the charge for the same shall not exceed five dollars;

Which was agreed to.

Mr. Colgrove demanded a call of the House;  
Which was ordered.

The Clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Brotherton, Carr, Cavens, Clark, Claypool, Clements, Colgrove, Comstock, Davis, Dobbins, Dougherty, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Harney, Harrison, Hunter, Johnston, Jones, Jordan, Kelly, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Pros

ser, Ritter, Row, Scott, Sherman, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—69.

Mr. Edwards moved to suspend a further call of the House ;  
Which was agreed to.

Mr. Baird offered the following instructions, viz :

Amend so as to allow county recorders to demand their fees for recording deeds, &c., in advance.

Mr. Murray moved to lay the instructions on the table ;  
Which was agreed to.

Mr. Murray moved to reconsider the vote adopting the instructions offered by Mr. Snyder.

Mr. Murray then moved the previous question ;  
Which was not seconded.

The question recurring on the motion to reconsider ;  
It was agreed to.

Mr. Hamilton of Boone, offered the following instructions, viz :

Amend by adding a section making the fees for recording deeds a lien on the real estate described in the deed ;  
Which was not agreed to.

Mr. Colgrove offered the following instructions :

Amend that portion of the fee bill that relates to the fees of county treasurers, as follows :

*Provided*, That nothing in this act shall be so construed as to authorize the treasurer of any county in this State to receive more than \$1,500, including fees, perquisites and all other moneys in any one year, for his services as such treasurer.

Mr. Ritter moved to lay the instructions on the table.

Messrs. Colgrove and Baird demanded the ayes and noes.

*Those who voted in the affirmative were.*

Messrs. Blythe, Bowman, Branham, Brotherton, Carr, Clark, Clements, Collier, Comstock, Dobbins, Dougherty, Gifford, Griffin, Hall of Grant, Hancock, Jones, Jordan, Keefer, Kelly, Lewis.

Major, Mansfield, Merrifield, Murray, Nelson, Prosser, Ritter, Scott, Shockley, Stanfield, Tebbs, Thompson of Elkhart, Usrey, Whetzel and Wood—35.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Boyd, Cavins, Claypool, Davisson, Davis, Devol, Early, Edwards, Fordyce, Gregory, Hamilton of Boone, Hunter, Johnston, Lawhead, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Row, Sherman, Shull, Smith of Perry, Snyder, Stanley, Thompson of Madison, Turpie, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—36.

So the motion did not prevail.

The question then being on the adoption of the instructions.

Messrs. Colgrove and Harney demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Boyd, Branham, Cavins, Claypool, Clements, Colgrove, Collier, Davisson, Devol, Early, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hunter, Lawhead, McLain, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Prosser, Row, Sherman, Shull, Smith of Perry, Snyder, Stanley, Thompson of Madison, Turpie, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—40.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Brotherton, Carr, Clark, Comstock, Davis, Dougherty, Gifford, Hancock, Harney, Harrison, Johnston, Jones, Jordan, Keefer, Kelly, Lewis, Mansfield, Massey, Murray, Parks, Ritter, Scott, Shockley, Tebbs, Thompson of Elkhart, Usrey, Whetzel and Wood—30.

So the instructions were agreed to.

Mr. Mellett offered the following additional instructions :

Add an additional section to the bill defining more clearly and explicitly the law in relation to the taxation and collection of docket fees of prosecuting attorneys.

The question being on the adoption of the above instructions.

Messrs. Turpie and Prosser demanded the ayes and noes.



*Those who voted in the affirmative were*

Messrs. Baird, Blythe, Bowman, Boyd, Carr, Claypool, Colgrove, Dobbins, Early, Edwards, Gifford, Hamilton of Boone, Johnston, Jones, Jordan, Kelly, Lawhead, Lewis, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Warren, Nelson, Ritter, Scott, Sherman, Shockley, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wood and Mr. Speaker—38.

*Those who voted in the negative were,*

Messrs. Austin, Cavins, Clark, Collier, Comstock, Davisson, Davis, Dougherty, Devol, Fordyce, Gregory, Hall of Grant, Hancock, Harney, Harrison, Hunter, Keefer, Massey, Martin, Nebeker of Vermillion, Parks, Row, Shull, Smith of Perry, Thompson of Elkhart and Whetzel—26.

There being no quorum answering to their names, the Speaker declared the House adjourned till 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

The question pending at the adjournment being on the adoption of the instructions offered by Mr. Mellett, and the ayes and noes having been demanded by Mr. Turpie and Prosser.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Carr, Cavins, Claypool, Dobbins, Edwards, Fordyce, Gifford, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hunter, Jefferis, Jones, Kempf, Knowlton, Lawhead, McLain, Miller, Mansfield, Mellett, Murray, Nebeker of Warren, Newton, Power, Ritter, Scott, Sherman, Shields, Shockley, Smith of Miami, Stanley, Stanfield, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Waterman, Wildman, Wood and Mr. Speaker—47.

*Those who voted in the negative were*

Messrs. Brotherton, Clark, Clements, Colgrove, Collier, Davis, Dougherty, Devol, Gregory, Hall of Grant, Hamilton of Boone, Johnston, Jordan, Kelly, Lewis, Martin, Nelson, Parks, Row, Shull, Usrey and Whetzel—22.

So the instructions were adopted.

Mr. Devol offered the following additional instructions:

Instruct the committee to amend the bill as follows:

*First.* To reduce the fees of all clerks of the circuit courts and courts of common pleas of this State one-fourth.

*Second.* To reduce the fees of all county treasurers in this State one-fourth.

*Third.* To reduce the fees of all county auditors in this State one-fourth.

Mr. Scott moved to lay the instructions on the table.

Messrs. Murray and Devol demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Clark, Clements, Collier, Comstock, Dobbins, Dougherty, Gifford, Hall of Grant, Hamilton of Wayne, Hancock, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Mansfield, Massey, Nebeker of Warren, Nelson, Power, Scott, Shull, Smith of Miami, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Wheeler, Whetzel and Wood—36.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Brotherton, Cavins, Clayton, Colgrove, Davisson, Davis, Devol, Early, Edwards, Fordyce, Gregory, Hamilton of Boone, Hunter, Jefferis, Johnston, Lewis, Miller, Murray, Martin, Nebeker of Vermillion, Newton, Parks, Ritter, Robinson, Row, Sherman, Shockley, Snyder, Stanley, Turpie, Waterman, Wildman and Mr. Speaker—36.

So the motion did not prevail.

Mr. Murray moved to amend the instructions after the word instruction "to inquire into expediency of amending;"

Which was not agreed to.

H. J.—44.

Mr. Hall of Rush, moved to amend the instructions by adding the following, to-wit:

*“Provided, That no reduction shall be made where the fees amount to one thousand dollars;*

*Which was not agreed to.*

The question then being on the adoption of the instructions offered by Mr. Devol.

Messrs. Devol and Davis demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Brotherton, Cavins, Claypool, Davis, Dobbins, Devol, Early, Edwards, Gregory, Hall of Rush, Hamilton of Boone, Harrison, Knowlton, Lawhead, McLain, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Nelson, Parks, Ritter, Robinson, Row, Shockley, Snyder, Stanley, Stanfield, Turpie, Thompson of Madison, Waterman and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Bowman, Carr, Clark, Clements, Collier, Comstock, Davisson, Dougherty, Fordyce, Gifford, Hall of Grant, Hamilton of Wayne, Hancock, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lewis, Massey, Mansfield, Mellett, Murray, Power, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Wood—42.

So the instructions were not agreed to.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Merrifield, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 273, entitled a bill to legalize changes of highways made by railroad companies in this State, have had the same under consideration, and instruct me to report the same back and recommend the passage thereof;

The report was concurred in, and the bill ordered to be engrossed.



Mr. Hamilton of Boone, obtained leave and made the following report from the committee on swamp lands :

MR. SPEAKER :

The committee on swamp lands, to whom was referred a petition from sundry citizens of Vigo county, in relation to the enactment of a ditching law, have had the same under consideration, and direct me to report the same back, and say that in their opinion legislation on that subject is unnecessary ;

The report was concurred in.

Mr. Hamilton of Boone, obtained leave and made the following report from the committee on swamp lands :

MR. SPEAKER :

The swamp land committee, to whom was referred the petition of Ira O. Dibble, of Lake county, and other papers connected therewith, have had the same under consideration, and direct me to report the same back and recommend the indefinite postponement of any further consideration thereof ;

Which was concurred in.

Mr. Gifford, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House engrossed bills Nos. 112 and 121, and find them correctly engrossed.

Mr. Gifford, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

That they have examined House bills Nos. 276 and 21 and find them correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed with sundry engrossed amendments :

House bill No. 29. A bill to licence, regulate and restrain the

sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violation thereof;

In which the concurrence of the House is respectfully requested.

On motion,

The amendments of the Senate were considered *seriatim*.

Amend section third by striking out the word "two" before freehold surities, and inserting in lieu thereof, the word "four;"

Which was concurred in.

Also amend the same section by striking out "five hundred," where it occurs, and inserting in lieu thereof, "two thousand."

The question being on concurring in the foregoing amendment.

Messrs. Jordan and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Brotherton, Carr, Cavins, Clark, Collier, Cotton, Davisson, Devol, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffers, Johnston, Jones, Knowlton, Lawhead, Mellett, Murray, Martin, Nebeker of Warren, Nebeker of Vermillion, Parks, Power, Ritter, Robinson, Scott, Shull, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Wood—41.

*Those who voted in the negative were,*

Messrs. Baird, Bowman, Branham, Clements, Comstock, Davis, Dobbins, Dougherty, Early, Gifford, Hancock, Harney, Jordan, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Nelson, Newton, Prosser, Row, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanfield, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Mr. Speaker—39.

So the amendment was concurred in.

Strike out the word "county" and insert "township," in the third section.

Which was concurred in.

After the word "act," in the third section insert "and to pay all damages and costs that may accrue under the provisions of this act, giving the right of action to the wife, child or other person injured by the sale of liquors;"

Which was concurred in.

Amend section seven by inserting in second line immediately after the word "sell," the words "or barter;"

Which was concurred in.

Amend the seventh section by striking out the words "any female;"

Which was concurred in.

Amend section eight by striking out the words "last named," and adding at the end thereof, the words "for each offence;"

Which was concurred in.

Amend section nine by inserting immediately after the word "fined," the words "for each offence;"

Which was concurred in.

Amend section ten by inserting immediately after "sell," the word "barter," and after "fined," the words "for each offence;"

Which was concurred in.

Amend section twelve by adding after the word "manner" the following: "And every house or place wherein any drugged, poisoned or impure liquors, or liquors mixed with any poisonous or deleterious substance are kept to be sold or given away;"

Which was concurred in.

Amend section thirteen by striking out the word "all" in the fourth line;"

Which was concurred in.

Amend section fifteen by striking out the first three lines.

The question being on concurring in the amendment.

Messrs. Merrifield and Gifford demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Brotherton, Carr, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Dobbins, Devol, Early, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, McLain, Mellett, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Thompson of Elkhart, Thompson of Madison, Treadway, Whetzel, Whiteman and Wood—53.

*Those who voted in the negative were,*

Messrs. Baird, Branham, Claypool, Colgrove, Davis, Dougherty,



Gifford, Hancock, Jordan, Keefer, Lewis, Major, Mansfield, Massey, Merrifield, Miller, Martin, Nelson, Newton, Prosser, Smith of Miami, Smith of Perry, Snyder, Stanfield, Summers, Tebbs, Turpie, Usrey, Waterman, Wheeler, Wildman and Mr. Speaker—32.

So the amendment was concurred in.

Also by inserting after the word "manufacturer" the words "any other person."

The question being on concurring in the amendment.

Messrs. Branham and Davis demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Carr, Cavins, Clements, Davis, Dobbins, Early, Gifford, Hamilton of Boone, Hancock, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, Major, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Prosser, Row, Shields, Shockley, Shull, Stanfield, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel and Wood—41.

*Those who voted in the negative were,*

Messrs. Austin, Branham, Brotherton, Clark, Claypool, Colgrove, Collier, Comstock, Cotton, Dougherty, Devol, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Lawhead, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Newton, Parks, Power, Ritter, Robinson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanley, Whiteman, Wildman and Mr. Speaker—44.

So the House refused to concur in the amendment.

Amend by adding the following section :

Sec. —. Any person licensed under the provisions of this act, who shall, on due precaution, be convicted of a breach of its provisions during the term the license has to run, shall forfeit and be deprived of such license for the remainder of such term, and such forfeiture shall be a part of the judgment of the court trying the prosecution.

The question being on concurring in the amendment.

Messrs. Prosser and Jordan demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Brotherton, Carr, Cavins, Clark, Colgrove, Collier, Cotton, Davisson, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hunter, Jones, Knowlton, Mellett, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Scott, Sherman, Shockley, Shull, Snyder, Stanfield, Thompson of Elkhart, Treadway, Whiteman and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Baird, Bowman, Boyd, Branham, Clements, Davis, Dobbins, Griffin, Hamilton of Wayne, Hancock, Harney, Harrison, Johnston, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Nelson, Newton, Prosser, Row, Shields, Smith of Miami, Smith of Perry, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Whetzel, Wildman, Wood and Mr. Speaker—47.

So the amendment was not concurred in.

Mr. Dobbins moved to reconsider the vote concurring in Senate amendment No. 13.

Mr. Ritter moved to lay the motion on the table.

Messrs. Clements and Dobbins demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Brotherton, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Kempf, Lawhead, McLain, Mellett, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Power, Ritter, Robinson, Scott, Sherman, Shields, Shockley, Shull, Snyder, Stanley, Stanfield, Thompson of Elkhart, Treadway, Wheeler, Whetzel, Whiteman and Wood—53.

*Those who voted in the negative were,*

Messrs. Baird, Branham, Carr, Clements, Davis, Dobbins, Dougherty, Early, Edwards, Gifford, Hancock, Jordan, Keefer, Kelly, Knowlton, Lewis, Major, Mansfield, Massey, Merrifield, Miller, Martin, Newton, Prosser, Row, Smith of Miami, Smith of Perry, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wildman and Mr. Speaker—35.

So the motion was laid on the table.

Mr. Knowlton moved to reconsider the vote on concurring in Senate amendment No. 2.

Mr. Ritter moved to lay the motion to reconsider on the table

Messrs. Turpie and Clements demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Brotherton, Carr, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Lawhead, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Scott, Shockley, Snyder, Stanfield, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Wood—45.

*Those who voted in the negative were*

Messrs. Baird, Bowman, Branham, Claypool, Clements, Davis, Dobbins, Dougherty, Early, Gifford, Hancock, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Nelson, Newton, Prosser, Row, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stanley, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Mr. Speaker—40.

So the motion was laid on the table.

#### HOUSE BILLS ON THIRD READING.

No. 1. A bill to provide for taking the sense of the qualified voters of the State on calling a convention to alter, amend or revise the Constitution of the State;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jones, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Scott, Sherman, Shull, Smith of Miami, Stanfield, Thompson of Elkhart, Thompson of Madison, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—47.



*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Gifford, Hamilton of Boone, Hancock, Harney, Johnston, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Nelson, Newton, Prosser, Robinson, Row, Shields, Shockley, Smith of Perry, Snyder, Summers, Tebbs, Usrey, Waterman, Wheeler and Wood—39.

So the bill failed to pass for want of a constitutional majority.

No. 47. A bill to provide for the organization of circuit courts, the election of judges thereof, defining their powers and duties, and the jurisdiction of said courts, and fixing the salaries of said judges, and the number of terms of said courts, and providing for adjourned terms of said courts, and transferring the probate business of the common pleas court to the circuit court, and repealing all former laws on the subject;

Was read a third time.

Mr. Colgrove moved a call of the House;  
Which was ordered.

The Clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jeffers, Johnston, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—87.

On motion by Mr. Scott.  
The further call was dispensed with.

The question being, shall House bill No. 47 pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Boyd, Branham, Brotherton, Cavins,

Clark, Claypool, Clayton, Colgrove, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Griffin, Hall of Rush, Hamilton of Boone, McLain, Mansfield, Major, Massey, Martin, Prosser, Robinson, Row, Shockley, Shull, Stanley, Treadway, Usrey, Waterman, Whetzel and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Carr, Clements, Collier, Comstock, Cotton, Davisson, Gifford, Gregory, Hall of Grant, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Lawhead, Lewis, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Ritter, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Snyder, Stanfield, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Whiteman, Wildman and Wood—47.

So the bill was lost.

No. 58. A bill to require the Governor to make his requisition for the apprehension and delivery up of fugitives from justice ;

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Branham Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—81.

*Those who voted in the negative were,*

Messrs. Colgrove and Harney—2.

So the bill passed.

Mr. Blythe moved to amend the title as follows, to-wit :

A bill relative to the making requisition for, and the delivery up, of fugitives from justice ;  
Which was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of the bill.

No. 64. A bill to prevent the killing or destruction of wild game within the perious therein described, penalties for violation thereof, and repealing all laws in conflict therewith ;  
Was read a third time.

Mr. Dougherty moved to lay the bill on the table.

Messrs. Hamilton of Boone, and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Branham, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Fordyce, Gregory, Hall of Grant, Hancock, Harrison, Jones, Jordan, Lewis, Major, Mansfield, Mellett, Murray, Nebeker of Vermillion, Nelson, Scott, Sherman, Stanfield, Thompson of Elkhart, Thompson of Madison, Treadway, Wood and Mr. Speaker—32.

*Those who voted in the negative were,*

Messrs. Austin, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Devol, Early, Edwards, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hunter, Johnston, Kelly, Keefer, Massey, Miller, Martin, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Tebbs, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Wildman—47.

So the bill was not laid on the table.

The question being, shall House bill No. 64 pass ?

*Those who voted in the affirmative were,*

Messrs. Bowman, Boyd, Brotherton, Carr, Cavins, Clark, Clements, Collier, Devol, Early, Edwards, Griffin, Hall of Rush, Hamilton of Boone, Hunter, Jefferis, Johnston, Jones, Kelly, McLain, Massey, Miller, Martin, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Row, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Tebbs, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Mr. Speaker—45.



*Those who voted in the negative were,*

Messrs. Austin, Baird, Blythe, Branham, Comstock, Cotton, Davisson, Dobbins, Dougherty, Fordyce, Gifford, Gregory, Hall of Grant, Hancock, Harney, Harrison, Jordan, Keefer, Kempf, Lewis, Major, Mansfield, Mellett, Murray, Nebeker of Vermillion, Nelson, Power, Sherman, Stanfield, Thompson of Elkhart, Thompson of Madison, Treadway, Wildman and Wood—34.

So the bill failed for want of a constitutional majority.

No. 72. A bill to amend sections one and two of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1, 1853;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Davisson, Dobbins, Dougherty, Devol, Early, Fordyce, Gifford, Griffin, Hamilton of Boone, Hamilton of Wayne, Hunter, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whiteman and Wood—60.

*Those who voted in the negative were,*

Messrs. Austin, Branham, Davis, Edwards, Gregory, Hall of Grant, Hancock, Harney, Harrison, Jefferis, Mansfield, Stanfield, Whetzel and Mr. Speaker—14.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Lawhead moved that the House do now adjourn;  
Which was not agreed to.

Mr. Clements moved to rescind the rule adopted Saturday, providing for night sessions;  
Which was laid over.

No. 91. A bill to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas of certain causes therein named ;

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Brotherton, Boyd, Branhnam, Carr, Cavins, Clark, Claypool, Collier, Comstock, Davisson, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Kelly, Kempf, Lawhead, Lewis, Major, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Row, Scott, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Clements, Dobbins, Jones and Jordan—4.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Clements moved that the House do now adjourn till tomorrow morning, 9 o'clock.

The ayes and nays being demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Branhnam, Brotherton, Clark, Clements, Dobbins, Early, Hancock, Harney, Harrison, Jefferis, Johnston, Jones, Jordan, Kempf, Lewis, McLain, Mansfield, Miller, Martin, Nebeker of Vermillion, Parks, Power, Prosser, Row, Shields, Shockley, Smith of Miami, Snyder, Stanley, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Wheeler and Whiteman—40.

*Those who voted in the negative were,*

Messrs. Boyd, Carr, Cavins, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone,

Hamilton of Wayne, Hunter, Kelly, Lawhead, Major, Massey, Murray, Nebeker of Warren, Nelson, Ritter, Robinson, Scott, Sherman, Shull, Smith of Perry, Stanfield, Thompson of Elkhart, Usrey, Waterman, Whetzel, Wildman, Wood and Mr. Speaker—42.

So the motion did not prevail.

On motion,  
The House adjourned till 7 o'clock, P. M.

---

7 O'CLOCK, P. M.

The hour of seven having arrived and the Speaker not being present.

On motion by Mr. Austin,  
Mr. Edwards was called to the chair.

#### ORDERS OF THE DAY.

#### *Senate Bills on First Reading.*

A message from the Senate by Mr. Vawter, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 23. A bill to fix the times of holding the terms of the court of common pleas of the counties of Allen and Adams, and to repeal all laws in conflict therewith ;

In which the concurrence of the House is respectfully requested.

Senate bill No. 23, contained in the foregoing message, was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

Mr. Collier obtained leave and introduced the following bill :



No. 310. A bill entitled an act to regulate the practice of medicine and surgery ;

Which was read a first time and passed to a second reading.

Mr. Austin obtained leave and introduced

House bill No. 311. A bill to amend the fifteenth section of an act entitled "an act defining felonies and prescribing punishment therefor ;

Which was read a first time and passed to a second reading.

Mr. Kempf obtained leave and introduced

House bill No. 312. A bill to prohibit unqualified persons to practice the science of medicine and surgery, and the pharmaceutical art ;

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills, viz :

Senate bill No. 28. A bill to provide for the safe keeping of the bonds, mortgages and other securities entrusted to the care of certain officers herein mentioned.

Senate bill No. 32. A bill for the better protection of growing cranberries, and prohibiting the sale or purchasing the same within the time specified therein, and prescribing the punishment for the violation thereof ;

In which the concurrence of the House is respectfully requested.

Senate bills Nos 28 and 32, contained in the foregoing message, were each read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, viz :

Senate bill No. 39. A bill to amend the 7th section of an act providing for the election of clerks of the circuit courts, and prescribing some of their duties, approved June 7, 1852.

Senate bill No. 40. A bill to amend section 151 of "an act to

provide for the valuation and assesment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

Senate bill No. 174. A bill fixing the time of holding the court of common pleas in Hendricks, and the length of the terms thereof, and repealing all laws in conflict therewith;

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 39. 40 and 174, contained in the foregoing message, were each read a first time and passed to a second reading.

Mr. Clements obtained leave and introduced

House bill No. 313. A bill fixing the salaries of the trustees of the Wabash and Erie Canal;

Which was read a first time and passed to a second reading.

Mr. Carr obtained leave and introduced

House bill No. 314. A bill to repeal the seventy-third section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

Which was read a first time and passed to a second reading.

Mr. Turpie obtained leave and introduced

House bill No. 315. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity,"

Which was read a first time and passed to a second reading.

Mr. Waterman obtained leave and introduced

House bill No. 316. A bill to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject;

Which was read a first time and passed to a second reading.

Mr. Hunter obtained leave and introduced

House bill No. 317. A bill to prescribe punishment for the failure of any auditor, treasurer, clerk or recorder of any county within this State to perform the duties required by law;

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, viz:

Senate bill No. 203. A bill to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers;

In which the concurrence of the House is respectfully requested.

Senate bill No. 203, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed Senate bills, viz:

Senate bill No. 16. A bill to amend the first section of an act to amend the first section of "an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and ledgerdemain," approved June 15, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers, approved March 7, 1857.

Senate bill No. 19. A bill to provide for an enumeration to be made of all the white inhabitants over the age of twenty-one years in the year 1860, and every six years thereafter.

Senate bill No. 27. A bill to amend section sixty-three of "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Senate bill No. 36. A bill to amend the sixth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the treasurer and auditor of State," approved



June 21, 1852, so as to exempt certain property therein named from taxation;

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 16, 19, 27 and 36, contained in the foregoing message, were each read a first time and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

No. 297. A bill to provide for the erection of a building for the officers of State.

Was read a second time, and

On motion,

Referred to the committee on public expenditures.

No. 298. A bill to provide for the laying out and repairing of highways upon the line between Indiana and adjoining States;

Was read a second time, and

On motion,

Was referred to the committee on the judiciary.

No. 299. A bill to authorize donations to be made to the State by any person or municipal corporation for building or enlarging benevolent institutions, or for the use or benefit of common schools;

Was read a second time, and

On motion,

Referred to the committee on education.

House bill No. 300. A bill providing that certain notices of public sales and other legal notices therein named, shall be published in some newspaper printed at the county seat of the county, wherein such notices are to be given in all cases where a newspaper of general circulation is published at such county seat;

Was read a second time.

Mr. Murray moved to refer the bill to the select committee on printing.

Which was not agreed to.

Mr. Early moved to refer the bill to a select committee of five;

Which was agreed to.

The Speaker appointed Messrs. Early, Brotherton, Miller, Claypool and Lawhead said committee.

House bill No. 301. A bill to repeal so much of the law for the collection of taxes as requires county treasurers to attend at the place of holding elections for that purpose;

Was read a second time.

Mr. Hamilton of Boone, moved to refer the bill to the committee on the judiciary :

Which was not agreed to.

Mr. Dougherty moved to refer the bill to the committee on county and township business ;

Which was agreed to.

House bill No. 302. A bill regulating the public printing of the State of Indiana, and fixing the compensation therefor, and prescribing the duties of certain officers therein named ;

Was read a second time.

Mr. Hunter moved to refer the bill to the select committee on printing heretofore appointed.

Mr. Gifford moved to lay the bill on the table.

The ayes and nays being demanded by Messrs. Turpie and Gifford.

*Those who voted in the affirmative were,*

Messrs. Carr, Claypool, Davis, Gifford, Jones, Kelly, Kempf, McLain, Shields, Smith of Perry, Stanfield, Tebbs and Wheeler—13.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Branham, Brotherton, Cavins, Clayton, Collier, Comstock, Cotton, Devol, Early, Edwards, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hunter, Jefferis, Johnston, Jordan, Lewis, Mellett, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Power, Ritter, Scott, Shockley, Smith of Miami, Thompson of Elkhart, Usrey, Waterman, Whetzel and Wildman—37.

No quorum voting.

Mr. Jefferis moved to adjourn ;

Which was not agreed to.

There being no quorum voting the Speaker *pro tem.*, ordered a call of the House.

The Clerk proceeded with the call when the following members answered to their names :

Messrs. Austin, Bowman, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Collier, Comstock, Davis, Dougherty, Devol, Early, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Hunter, Jefferis, Johnston,

Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Power, Prosser, Ritter, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanfield, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Wildman—58.

Mr. Turpie moved that the House do now adjourn;  
Which was not agreed to.

Mr. Nebeker of Warren, moved that the absentees be sent for.

On motion by Mr. Gifford,  
The House adjourned until to-morrow morning, 9 o'clock.

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TUESDAY MORNING, 9 o'clock, }  
February 22, 1859. }

The House met.

On motion by Mr. Stanfield,  
The reading of the journal was dispensed with.

Mr. Gordon moved to re-consider the vote on refusing to concur in the report from the committee on claims, recommending the payment of two thousand dollars to sundry citizens of the counties of Lagrange, Noble, Allen and Elkhart, for apprehending certain criminals;

Which was agreed to.

The question being on concurring in the report of the committee.

Mr. Gordon moved to amend the report by striking out "two thousand dollars," and inserting "one thousand dollars."

Mr. Austin moved to lay the report of the committee and pending amendment on the table.

Messrs. Murray and Prosser demanded the ayes and noes.



*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Bowman, Brotherton, Carr, Cavins, Colgrove, Collier, Dougherty, Devol, Early Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Hunter, Jefferis, Johnston, Jones, Keefer, Lewis, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Prosser, Robinson, Rynerson, Thompson of Madison, Turpie, Usrey Whiteman and Wood—38.

*Those who voted in the negative were,*

Messrs. Blythe, Boyd, Branham, Clark, Claypool, Clements, Clayton, Cotton, Davisson, Davis, Dobbins, Griffin, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Jordan, Kelly, Kempf, Knowlton, Lawhead, McLain, Major, Mansfield, Massey, Merrifield, Murray, Nelson, Power Ritter, Row, Scott, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Summers, Tebbs, Thompson of Elkhart, Waterman, Wheeler, Whetzel, Wildman and Mr. Speaker—47.

So the motion to lay on the table did not prevail.

Mr. Davis moved that the report be re-committed to the committee on claims, with instructions to inquire how much money has been expended under the requisition of the Governor;

Which was agreed to.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The committee on enrolled bills have compared enrolled bill of the House No. 210 with the engrossed copy thereof, and find the same correctly enrolled.

A message from the Governor, by Mr. Osbourne, executive messenger.

**MR. SPEAKER:**

I am directed by the Governor to inform the House that he has approved and signed the following bill:

House bill No. 210. An act to create the fifteenth judicial circuit.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate have passed the following bills of the House without amendment:

House bill No. 16. An act to amend an act entitled "an act to amend the 32d section of 'an act defining misdemeanors, and prescribing punishment therefor,' approved June 14, 1852," approved March 7, 1857.

House bill No. 20. An act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

House bill No. 27. A bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies and to assume a common name, and defining the powers of such consolidated company. Also,

No. 249. A bill to change the time of holding the common pleas courts in the counties of St. Joseph, Marshall and Starke.

Mr. Harney, from the committee of ways and means, obtained leave and made the following report:

MR. SPEAKER;

The committee of ways and means, to whom was referred House bill No. 195, a bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State and the several counties, and for the safe keeping of public moneys, have had the same under consideration, and in obedience to the instructions of the House, report the following amendments:

Strike out section 2.

In section 3 strike out the words "and county" in first line; in the second line, the words "or to any county;" in the third line, the words "or in any county;" in the fourth line, the words "and county," and strike out all of the section after the word "State" in the sixth line.

In section 6, first line, strike out the words "and the treasurer of each county in this State are," and insert the word "is;" in sixth line strike out the words "or into any county treasury," and strike out the word "they" in seventh line; in fifth line strike out the words "them or either of them," and insert "him;" in twelfth line, strike out the word "them," and insert "him," and strike out all after the word "for."

Strike out sections 10, 13 and 16.



Amend section first, in the seventh line, by striking out the word "comptroller."

Amend section fifth, in twelfth line, by striking out the word "comptroller," and inserting the word "secretary."

Amend section seventh by striking out in second line the word "comp.roller," and inserting "auditor."

Amend section eighth by striking out in the third line the words "countersigned and registered by the comptroller," and, also, the words "and comptroller" and "severally;" in the fifth line strike out the word "each" and the word "they," and insert "he;" in the seventh line strike out the word "they" and insert "he;" in the tenth and eleventh lines strike out the words "and the comptroller shall countersign and register same."

Amend section ninth, in the third and fourth lines, by striking out the words "nor shall the comptroller countersign or register any warrant, unless same be drawn by authority of law."

Amend section fourteenth, in the fifth line, by striking out the word "comptroller," and inserting "secretary."

Amend section seventeenth, in the first line, by striking out the word "comptroller," and inserting the word "Governor," and in the ninth line, by striking out the word "comptroller," and inserting "Governor."

And the committee also recommend the following amendments:

Amend section 4 by adding thereto the following:

*Eleventh.* All moneys arising from the sale of bonds or stocks deposited under the provisions of the general banking law, and all moneys belonging or accruing to the State or to any fund of the State.

And in obedience to the further instruction of the House, the committee report the following additional amendment:

Amend section third by adding the following:

*Provided, also,* That whenever payment shall be made into the State treasury in the notes of solvent specie paying banks as aforesaid to the amount of one thousand dollars on any bank, it shall be the duty of such treasurer forthwith to convert such bank notes into gold and silver coin, by presenting said notes to said banks for redemption.

Which last amendment your committee recommend should be laid upon the table and the balance of the amendment submitted should be adopted, upon which your committee recommend the passage of the bill.



Mr. Murray moved a call of the House ;  
Which was ordered.

The Clerk proceeded with the call and the following members answered to their names :

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Summers, Tebbs, Thompson of Madison, Thompson of Elkhart, Treadway, Turpies, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—89.

The following members were absent :

Messrs. Black, Boxley, Eastham, Durham, Hartley, Kempf, Parrett, Stiles, Stinson, Sullivan and Usrey—11.

On motion by Mr. Mellett,  
The further call of the House was suspended.

Mr. Harney moved the previous question ;  
Which was seconded.

The question being shall the main question be now put ?  
It was so ordered.

Mr. Dobbins asked for a division of the question ;  
Which was ordered.

The question being on concurring in that part of the report recommending the adoption of the amendments ;  
It was agreed to.

The question being on concurring in that part of the report recommending that certain amendments be laid on the table.

Messrs. Merrifield and Knowlton demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boyd, Branham, Brotherton, Clark, Claypool, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Lewis, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Scott, Sherman, Smith of Miami, Smith of Perry, Stanfield, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Bowman, Carr, Cavins, Clayton, Clements, Collier, Dobbins, Dougherty, Early, Gregory, Hancock, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, McLain, Major, Massey, Merrifield, Martin, Nelson, Newton, Prosser, Rynerson, Shockley, Shields, Shull, Snyder, Stanley, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—42.

So that portion of the report was concurred in and the amendment was laid on the table.

The question being on ordering the bill to be engrossed.

Messrs. Turpie and Dougherty demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Boyd, Branham, Brotherton, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Fordyce, Gifford, Gregory, Hall of Rush, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Kempf, Major, Mansfield, Mellett, Murray, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanfield, Thompson of Elkhart, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Blythe, Bowman, Carr, Clayton, Clements, Davis, Dobbins, Early, Hancock, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Nelson, Robinson, Shockley, Shull, Snyder, Stanley, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler and Wood—36.

So the bill was ordered to be engrossed.

Mr. Hunter moved that the bill be considered as engrossed and read a third time now.

Mr. Hunter moved the previous question ;  
Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.

The question being on considering the bill as engrossed and reading a third time now ;  
Which was agreed to.

House bill No. 195 was then read a third time, and  
The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Boyd, Branham, Brotherton, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanfield, Thompson of Elkhart, Usrey, Waterman, Whetzel, Whiteman, Wildman and Wood—52.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Bowman, Carr, Clayton, Clements, Davis, Dobbins, Dougherty, Early, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Nelson, Prosser, Robinson, Shockley, Shull, Snyder, Stanley, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Wheeler and Wood—36.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Murray, by consent, moved to take up the message from the Senate containing House bill No. 29 ;  
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate



insist on its 13th amendment and recede from their 14th amendment to House bill No. 29, a bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violation thereof.

Mr. Murray moved that the House insist upon its disagreement to the Senate amendment No. 13;

Which was agreed to.

Mr. Murray moved that there be a committee of free conference appointed;

Which was agreed to.

Messrs. Murray, Mansfield and Dougherty were appointed said committee.

Mr. Comstock obtained leave and made the following report from the committee on roads:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 250, have had the same under consideration, and recommend that it be indefinitely postponed;

Which was concurred in.

Mr. Austin moved to suspend the order of business and take up Senate bill No. 142;

Which was agreed to.

Mr. Austin moved to re-commit to a select committee of three with instructions to amend as follows:

Sec. 2. The appraiser shall call upon each and every person resident in his county, for a list of all lands and town in lots and out-lots owned by such person or persons, lying within his county, which may be subject to taxation, which list shall particularly set forth the names of the owner or owners, the number of acres of land in each particular tract, lot, section or subdivision thereof, the range, township, section, quarter section, tract, lot or part thereof, or the number of the entry, location or survey, and water course, as the nature of the general or particular survey may require, and if the same cannot be described by the congressional survey, then it shall be described by metes and bounds so as to designate and identify the same, and in the French and English grants or Clark's grant, shall set forth the quantity of land contained in the original survey, of which the tract listed is a part subject to the provisions of this act, the number of the entry,

water course and the name of the original proprietor; also all in-lots or out-lots owned or held as aforesaid, with the number thereof, as described in the recorded plat of said town, or part thereof, if it has been subdivided, which statement shall be made out by the person assessed, or by the appraiser, from information given by such person, and shall be signed by the person making it.

Be and the same is hereby amended to read as follows:

Sec. 7. The appraiser shall call upon each and every person resident in his county for a list of all lands and town in-lots and out-lots owned by such person or persons, lying within his county which may be subject to taxation, which list shall set forth, in general terms, the names of the owner or owners, the number of acres of land in each particular tract, lot, section or subdivision thereof, the range, township, section, quarter section, tract, lot or part thereof, or the number of the entry, location, or survey and water course, as the nature of the general or particular survey may require, and in the French or English grants or Clark's grant, shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of this act, the number of the entry, water course and the name of the original proprietor, also all in-lots or out-lots owned or held as aforesaid, with the number thereof, as described in the recorded plat of said town or part thereof, if it has been subdivided, which statement shall be made out by the person assessed, or by the appraiser from information given by such person, and shall be signed by the person making it.

Sec 5. Section thirteen of said act, which reads as follows:

Sec. 13. Each appraiser shall, on or before the fourth Monday of May next, after his appointment or election, make out and deliver to the auditor of his county a return, by civil townships, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor, of the amount, description and value of all the real estate subject to be listed for taxation in his county, which return shall contain,

*First.* The names, arranged in alphabetical order, of the several persons, companies or corporations in whose name the several parcels of real estate in each township within his county shall have been listed, and in appropriate columns opposite each name, the description of each parcel of such real estate listed in such name, and the value of each separate parcel of such real property, as determined by the appraiser from real view.

*Second.* The names, arranged in alphabetical order, of the several persons, companies or corporations, in whose names the several parcels of real property in any town or towns in his county shall have been listed, and in the appropriate columns opposite each name, the description of each parcel of real property in each



town within his county, and the value thereof, as determined by the appraiser as above specified, and such return shall distinctly set forth the name or names of the owner or owners of each separate parcel of real property, if known, and if unknown, that fact shall be set forth. Also a correct and pertinent description of each separate parcel of land or real property, if a town lot or part thereof, the name of the town, the number or other designation of the lot, and if a part of such lot, then the proportion or situation thereof, and the extent in feet along the principal street on which it shall abut. If the parcel of real property be other than a town lot, or a parcel thereof, the number of acres, the range of townships, the number of townships, the number of sections, tract, lot or subdivision of either, as the case may require. If such land be situated in the French or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof contained in each separate parcel so listed, and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts or surveys, then the statement shall set forth as nearly as may be, the number of acres taken from each section, lot, tract or survey included in each parcel.

Be and the same is hereby amended to read as follows :

Sec. 13. Each appraiser shall, on or before the first Monday of May next, after his appointment or election, make out and deliver to the auditor of his county a return, by civil townships, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor, of the amount, description and value of all the real estate subject to be listed for taxation in his county, which return shall contain,

*First.* The names, arranged in alphabetical order, of the several persons, companies or corporations in whose name the several parcels of real estate in each township within his county shall have been listed, and in appropriate columns opposite each name, the description, in manner as hereinafter required, of each parcel of such real estate listed in such name, and the value of each separate parcel of such real property, as determined by the appraiser from actual view.

*Second.* The names, arranged in alphabetical order, of the several persons, companies or corporations in whose names the several parcels of real property in any town or towns in his county shall have been listed, and in the appropriate columns opposite each name a description, as heretofore set forth, of each parcel of real property in each town in his county, and the value thereof, as determined by the appraiser as above specified, and such return shall set forth the name or names of the owner or owners of each separate parcel of real property, if known, and if unknown that fact shall be set forth. Also, a description of each separate parcel of land or real property in the following manner: If a town lot or part thereof, the name of the town, the number or other design-



nation of the lot, and if a part of such lot, then the proportion and situation thereof, and the extent in feet along the principal street on which it shall abut. If the parcel of real property be other than town lot, or a parcel thereof, the number of acres, the range of township, the number of townships, the number of sections, tract, lot or subdivision of either, other general designation of any subdivision, if there be no number, as the case may require. If such land be situated in the French or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof, contained in each separate parcel so listed, and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts or surveys, then the statement shall set forth, as nearly as may be, the number of acres taken from each section, lot, tract or survey included in each parcel;

Which was agreed to.

Mr. Hunter offered the following additional instructions:

That section 20 of said act which is as follows:

Sec. 20. Each appraiser shall, at the time he is required by this act to make return of the taxable real property to the county auditors, also deliver to him all the statements of property which he shall have received from persons required to list real estate, the same arranged in alphabetical order by civil townships, and said auditor shall carefully file and preserve the same in his office.

Be and the same is hereby amended to read as follows:

Sec. 20. Each appraiser shall, at the time he is required by this act to make return of the taxable real property to the county auditor, also deliver to him all the statements of property, which he shall have received from persons required to list real estate, the same arranged in alphabetical order by civil townships, and said auditor shall carefully preserve the same in his office;

Which was agreed to.

On motion by Mr. Lawhead,  
The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

Mr. Bowman obtained leave and presented a memorial signed by J. S. Morrison, in reference to the distribution of the sinking fund among the several counties of the State;

On motion,

The memorial was referred to the committee on education.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Stanfield, from the committee on the organization of courts, obtained leave and made the following report:

MR. SPEAKER:

The committee on the organization of courts, to whom was referred House bill No. 250, giving the clerk of the common pleas court the right to make certified copies of the records of the former probate court, have had the same under consideration, and directed me to report the same back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Whetzel, from the committee on agriculture, obtained leave and made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred House bill No. 272, a bill defining the meaning of the word fences, as used in an act entitled "an act concerning enclosures, trespassing animals and partition fences," approved June 4, 1852, have had the same under consideration, and direct me to report the same back to the House and recommend its passage;

The report was concurred in and the bill ordered to be engrossed.

Mr. Wheeler obtained leave and offered the following resolution:

*Resolved*, That the trustees of the Wabash and Erie Canal be requested to inform this House if it is probable that they cannot maintain the Wabash and Erie Canal, in navigable condition, and if not, to state the reasons why, and in that event, what legislation

in their opinion, if any, is necessary to enable them to maintain or cause to be maintained, navigation on said canal, and whether such legislation would in any manner involve a change in the arrangement and settlement with the bondholders made in 1846 and 1847.

Which was agreed to.

Mr. Nelson obtained leave and made the following report from the committee on the rights and privileges of the inhabitants of this State :

MR. SPEAKER :

The committee on rights and privileges, to whom was referred House bill No. 265, have had the same under consideration, and have instructed me to report the same back and recommend further legislation inexpedient ;

The report was concurred in.

Mr. Hunter moved to lay the bill on the table ;  
Which was agreed to.

Mr. Brotherton, from the committee on rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of this State, to whom was referred House bill No. 271, a bill making it a felony to cut down or cut down and carry away any standing timber, or carry away any down timber in certain cases therein named, and to provide a punishment therefor, have had the same under consideration, and have directed me to report the bill back and recommend that it be laid on the table, as in the opinion of your committee any further legislation on that subject is inexpedient ;

The report was concurred in, and the bill laid on the table.

Mr. Parks, from the same committee, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of this State, to whom was referred House bill No. 290, repealing the sixth section of an act entitled "an act concerning promissory notes and bills of exchange," approved May 12, 1852, have had the same under consideration, and have instructed me to report the same back to the House and recommend that it be laid on the table ;

Which was concurred in.



## REPORTS FROM SELECT COMMITTEES.

Mr. Early, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 300, entitled an act to provide that certain notices of public sales and other legal notices therein named, shall be published in some newspaper printed at the county seat of the county wherein said notices are to be given, in all cases where a newspaper of general circulation is published at such county seat, have had the same under consideration, and have directed me to report the same back to the House and the committee recommend its passage;

The report was concurred in and the bill ordered to be engrossed.

Mr. Colgrove made the following report from a select committee:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 130, the same being a bill to abolish road districts in incorporated towns, have had the same under consideration, and have directed me to report the same back and recommend that the same be amended by striking out all after the enacting clause and inserting the following, and when so amended they recommend its passage:

Sec. 1. That whenever any road district or any part thereof, shall lie within the limits of any incorporated town in this State, the supervisors of such districts, in working such portion of such road districts as may lie within the limits of such incorporated towns, shall work the same according to the plan and under the direction of the council of such town.

Sec. 2. It is declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Colgrove moved that the bill be considered as engrossed and read a third time now;

Which was agreed to.

House bill No. 130 was then read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Early, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Ritter, Robinson, Row, Scott, Sherman, Shields, Skull, Smith of Miami, Stanfield, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Bowman, Devol, Hamilton of Boone, Rynerson, Shockley and Usrey—6.

So the bill passed.

Mr. Colgrove moved to amend the title as follows, to-wit:

A bill to compell supervisors of road districts within the limits of incorporated towns, to work the same under the direction of the town council;

Which was agreed to.

*Ordered,* That the Clerk inform the Senate of the passage of said bill.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The committee on enrolled bills have examined enrolled bills of the House Nos. 16, 20, 27 and 249, and find the same correctly enrolled.

Mr. Hall of Rush, from the committee on engrossed bills, made the following report:

**MR. SPEAKER:**

The committee on engrossed bills, to whom was referred engrossed bills Nos. 224 and 266, have examined the same and find them correctly engrossed.

## ORDERS OF THE DAY.

*House bills on third reading.*

No. 94. A bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davis, Dobbins, Dougherty, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartly, Hunter, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Whiteman, Wildman and Wood—69.

*Those who voted in the negative were,*

Messrs. Early, Mellett, Usrey and Mr. Speaker—4.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 104. A bill to amend section seven of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Branham, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Jefferis, Jones, Johnston, Keefer, Kelly, Knowlton, Lawhead, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren,



Newton, Parks, Power, Ritter, Robinson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Bowman, Brotherton, Cavins, Dobbins, Dougherty, Hancock, Kempf, Lewis, McLain, Nelson, Row, Rynerson, Summers and Wood—14.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 178. A bill fixing the time of holding courts of common pleas and the length of terms thereof, in the county of Blackford, and repealing all laws in conflict therewith,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were*

Messrs. Austin, Bowman, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stanley, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—52.

No person voting in the negative.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

The Speaker appointed Messrs. Austin, Stanfield and Hunter a select committee on Senate bill No. 142.

No. 135. A bill dispensing with the giving a bond by an execu-

tor or executrix, as a condition to the grant of letters testamentary when the testator shall have declared in any last will or codicil that the person appointed by such will or codicil might execute the same without giving such bonds,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Branham, Cavins, Colgrove, Davis, Edwards, Gregory, Griffin, Hunter, Jefferis, McLain, Robinson, Scott, Shields, Stanley, Thompson of Elkhart, Turpie, Wheeler and Mr. Speaker—20.

*Those who voted in the negative were,*

Messrs. Bowman, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Ritter, Row, Rynerson, Sherman, Shockley, Shull, Smith of Miami, Stanfield, Summers, Tebbs, Thompson of Madison, Treadway, Usrey, Wheeler, Whetzel, Wildman, and Wood—62.

So the bill did not pass.

No. 139. A bill to amend the 29th section of the fifth article, of chapter first, part third, of the Revised Statutes of 1852,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Davis, Griffin, Mellett, Parks, Wheeler and Mr. Speaker—6.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Collier, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lewis, McLain, Major,

Mansfield, Massey, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Whetzel, Whiteman, Wildman and Wood—69.

So the bill did not pass.

No. 134. A bill to amend the first section of an act entitled "an act concerning real property and the alienation thereof," approved May 6th, 1852,

Was read a third time.

On motion by Mr. Dougherty,  
The bill was laid on the table.

No. 129. A bill touching pleadings in abatement, and directory defenses in civil actions,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Davis, Dobbins, Dougherty, Devol, Early, Fordyce, Gifford, Hall of Rush, Hancock, Harney, Harrison, Keefer, Kempf, Knowlton, Lawhead, Major, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Ritter, Row, Rynerson, Shockley, Shull, Smith of Perry, Stanfield, Summers, Tebbs, Thompson of Elkhart, Usrey, Waterman, Wheeler and Whetzel—49.

*Those who voted in the negative were,*

Messrs. Bowman, Branham, Collier, Comstock, Cotton, Durham, Edwards, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Jefferis, Johnston, Jones, Kelly, Lewis, McLain, Mansfield, Nelson, Newton, Power, Scott, Sherman, Shields, Smith of Miami, Stanley, Thompson of Madison, Treadway, Turpie, Whiteman, and Wood—32.

So the bill failed for want of a constitutional majority.

No. 152. A bill to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for the admissibility in evidence of the same or copies thereof;

Was read a third time, and

The question being shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanfield, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman and Wood—71.

*Those who voted in the negative were*

Messrs. Bowman, Hancock, Jones, Shull and Waterman—5.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 6. A bill to amend the second section of an act approved March 7, 1857, entitled "an act to authorize the formation of new counties, and to change county boundaries ;

Was read a third time.

Mr. Shull moved to lay the bill on the table.

Messrs. Keefer and Nebeker of Warren, demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Branham, Brotherton, Cavins, Clark, Comstock, Collier, Davis, Devol, Edwards, Fordyce, Gregory, Hall of Grant, Harney, Harrison, Jefferis, Keefer, Kelly, Lewis, Mansfield, Merrifield, Murray, Martin, Nelson, Parks, Rynerson, Shields, Shull, Smith of Miami, Waterman, Whiteman, Wildman, Wood and Mr. Speaker—35.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Carr, Clayton, Clements, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Kempf, Knowlton, Lawhead, McLain, Massey, Nebeker of Vermillion, Nebeker of Warren, Newton, Prosser,

Ritter, Robinson, Row, Sherman, Shockley, Snyder, Stanley, Summers, Tebbs, Turpie, Usrey, Wheeler and Whetzel—43.

So the motion to lay on the table did not prevail.

The question being, shall House bill No. 6 pass?

*Those who voted in the affirmative were,*

Messrs. Boxley, Claypool, Clements, Cotton, Dobbins, Dougherty, Durham, Early, Griffin, Hancock, Hartley, Hunter, Jordan, Keefer, Kelly, Kempf, Knowlton, McLain, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Prosser, Ritter, Sherman, Snyder, Stanley, Tebbs, Turpie, Wheeler and Whiteman—31.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Branham, Brotherton, Cavins, Clark, Clayton, Collier, Comstock, Davis, Devol, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Harney, Harrison, Jefferis, Jones, Lawhead, Lewis, Major, Mansfield, Massey, Merrifield, Murray, Nelson, Robinson, Row, Rynerson, Scott, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Summers, Thompson of Elkhart, Usrey, Waterman, Whetzel, Wildman, Wood and Mr. Speaker—42.

So the bill did not pass.

No. 114. A bill to prevent the sale, barter or giving away of mixed or adulterated spirituous, malt or other intoxicating drinks, and to provide penalties, and fix fines for the violation thereof;

Was read a third time.

Mr. Knowlton moved to lay the bill on the table;

Which was agreed to.

No. 128. A bill to regulate the practice of the supreme court in the construction and interpretation of bills of exceptions set forth in transcript;

Was read a third time.

Pending which,

On motion by Mr. Edwards,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }  
February 23, 1859. }

The House met.

On motion by Mr. Stanfield,  
The reading of the journal was dispensed with.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Stanfield made the following report from the committee on the judiciary :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 261, a bill to amend section 77 of an act entitled "an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, so as to prevent sham pleading, have had the same under consideration, and have directed me to report the bill back and recommend its passage. Cases arise in the common pleas court where great injustice is done by reason of the merest sham and trickery in pleading that ought not to be tolerated in any court; yet as the law is now held, the court is powerless over such pleading. Take a case like this: an action is brought in that court to recover a judgment on a promissory note, the defendant appears and answers that the note was given to the plaintiff for a tract of land and that he had no title to it, whereby the consideration of the note had failed. The answer, if true, would be good, but it is false. The note was given for personal property, yet the plaintiff must reply and deny the defendant's answer. That bringing into question the title to real estate, the court is ousted of jurisdiction. The plaintiff must dismiss his action, pay the costs and suffer the delay; and all this because that court has no power over false and knavish pleading.

The report was concurred in and the bill ordered to be engrossed.

Mr. Stanfield, from the same committee, made the following report :



MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 274, providing for fencing square No. 25, and dedicating it for the site of a new State House, have had the same under consideration, and directed me to report the same back as inexpedient, and recommend its indefinite postponement;

The report was concurred in and the bill indefinitely postponed.

Mr. Stanfield, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 281, providing for the incorporation of canal companies, have had the same under consideration, and directed me to report the same back with the following amendment, viz:

Sec. 16. That an emergency exists for the immediate taking effect of this act, therefore this act take effect and be in force from and after its passage.

And when so amended recommend its passage;

The report was concurred in and the amendments adopted,

The bill as amended was then ordered to be engrossed.

Mr. Turpie, from the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 270, making it an offence to break down unlawfully or negligently, leave open any enclosure of a railroad, have had the same under consideration, and have unanimously instructed me to report the same back and recommend its passage;

The report was concurred in and the bill ordered to be engrossed.

Mr. Edwards moved that the bill be considered as engrossed and read a third time now;

Which was agreed to.

House bill No. 270 was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clayton, Clements, Collier, Cotton, Davis,

Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jeffers, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—77.

Mr. Claypool voting in the negative.

So the bill passed.

*Ordered* that the Clerk inform the Senate thereof.

Mr. Mellett, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 275, entitled "an act authorizing and directing the State Librarian to furnish the Warden of the State prison the Supreme Court Reports, the Laws and Documentary Journals," have had the same under consideration, and direct me to report it back and recommend that it be laid on the table.

The report was concurred in and the bill laid on the table.

Mr. Mellett, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 71, entitled "an act defining the qualification of voters, and requiring evidence of residence, and allowing inspectors of election to examine, when challenged, upon oath," have had the same under consideration, and direct me to report the same back to the House and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Turpie, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No.

32, providing for the redemption of lands sold at sheriff's sale, have had the same under consideration, and have instructed me to report the same back and to recommend that for the present it be laid upon the table.

The report was concurred in and the bill laid on the table.

Mr. Colgrove, from the same committee, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred House bill No. 289, entitled "a bill to amend section twenty of an act entitled an act regulating the granting of divorces,, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13th, 1852," have had the same under consideration, and direct me to report that further legislation is inexpedient, and your committee ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Dobbins moved to lay the bill on the table.

Which was agreed to.

Mr. Colgrove, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 292, entitled "a bill requiring preference to be given to graduates of the institution for the education of the blind and deaf and dumb, desiring employment in said institutions," direct me to report back the same without consideration.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Turpie, from the same committee, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 151, which provides for the repeal of the law authorizing notes to be taken without the benefit of valuation laws, have had the same under consideration, and have unanimously instructed me to report the same back and to recommend that it be indefinitely postponed.

Which was concurred in and the bill indefinitely postponed.

Mr. Hamilton of Boone, from the committee on swamp lands, made the following report :



MR. SPEAKER:

The committee on swamp lands, to whom was referred Senate bill No. 13, "a bill to amend the 20th and 28th sections of an act entitled 'an act to regulate the sale of swamp lands, &c., and to provide for the draining and reclaiming thereof,' approved May 27th, 1852," have had the same under consideration, and direct me to report the same back, with the following amendments, and when so amended, recommend its passage.

Amend section 35 of said bill by adding thereto, "belonging to said county."

Amend section 36, which reads as follows: "The commissioner for his own services, and for the services of the engineer employed by him, shall present to the Auditor of State the amount of the number of days by them occupied in the duties of their office, specifying therein the number of days by each served, which amount shall be verified by the oath of each of them appended thereto, to be true and correct, and on the filing of said account with the Auditor of State it shall be his duty to give to said commissioner and engineer an order on the Treasurer of State for the amount due to each, payable out of the swamp land fund," be, and the same is hereby amended to read as follows:

The commissioner for his services, and the services of the engineer employed by him, shall present to the board of county commissioners an itemized account of the number of days by them respectively occupied in the duties of their office, specifying therein the number of days by each served, which account shall be verified by the oath of each of them appended thereto, to be true and correct, and if said county board be satisfied that said account is correct they shall allow the same, and endorse thereon their said allowance, and on the filing of said account with the Auditor of State, it shall be his duty to give to said commissioner or engineer, as the case may be, an order on the Treasurer of State for the amount so allowed by said county board, payable out of the swamp land fund belonging to the proper county.

The report was concurred in and the amendments adopted.

The amendments were then ordered to be engrossed, and the bill to be passed to a third reading.

Mr. Wildman, from the committee on claims, made the following report:

MR. SPEAKER:

The committee to whom was referred the claims of the citizens of the north-eastern counties of this State, with instructions to inquire into and report the amount of money they have expended

in arresting and bringing to justice criminals, under a requisition from the Governor, have had the same under consideration, and instruct me to report that nearly or quite three thousand dollars have been thus expended, all of which has been paid by the citizens of those counties, except about thirteen hundred dollars which the officers making the arrests hold their notes for, and therefore the majority of the committee recommend that the balance due of thirteen hundred dollars be allowed, and that the committee of ways and means provide for the payment of the same in the specific appropriation bill.

Mr. Keefer moved to lay this report on the table.

Messrs. Prosser and Keefer demanded the ayes and nays.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Brotherton, Carr, Cavins, Colgrove, Collier, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, Massey, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Prosser, Robinson, Rynerson, Shull, Tebbs, Thompson of Madison, Treadway, Usrey, Wheeler, Whiteman and Wood—50.

*Those who voted in the negative were,*

Messrs. Boxley, Brianham, Clark, Claypool, Clayton, Comstock, Cotton, Davisson, Davis, Hall of Grant, Harney, Harrison, Jordan, Knowlton, McLain, Major, Mansfield, Merrifield, Murray, Newton, Power, Ritter, Row, Scott, Sherman, Shockley, Smith of Miami, Stanley, Stanfield, Summers, Thompson of Elkhart, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—35.

So the report was laid on the table.

Mr. Wildman, by consent, moved to reconsider the vote on allowing the claim of John Foudray, late sheriff of Marion county. Which was agreed to.

Mr. Wildman moved to lay the report and claim on the table. Which was agreed to.

Mr. Wildman moved to reconsider the vote allowing the claim of John H. Ohr. Which was agreed to.

Mr. Wildman moved to lay the report and claim on the table. Which was agreed to.

Mr. Robinson, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries, to which was referred the petition of Mr. Heming, sheriff of Allen county, asking compensation for expenses incurred by him in capturing fugitives from justice, have directed me to report the same back to the House and ask that it be referred to the committee on claims;

The report and petition was,

On motion,

Laid on the table.

Mr. Boxley, from the committee on claims, obtained leave and made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of Wm. H. H. Whitehead, for money paid by him for the arrest of Henry E. Humphrey under a requisition of the Governor and other expenditures incident to said arrest, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House and recommend that the same be allowed as in the opinion of your committee, a sheriff should be paid for the money he actually pays out of his own pocket in the discharge of his sworn duty under the law.

Mr. Thompson of Madison, moved that the report be laid on the table;

Which was agreed to.

Mr. Scott moved to reconsider the vote just taken;

Which was not agreed to.

Mr. Griffin, by consent, moved to reconsider the vote concurring in the report of the committee on the judiciary on House bill No. 32;

Which was agreed to.

Mr. Griffin, from the committee on the judiciary, obtained leave and made the following minority report:

MR. SPEAKER:

The minority of the committee on the judiciary, to whom was referred House bill No. 32, a bill for the redemption of real estate sold on execution or order of sale issued out of any court, and



defining the duty of the officer or person selling the same, respectfully present the following reasons for dissenting from the opinion of the majority :

The law as it is forces the sale of all property for just whatever it will bring, when sold, upon an execution which has been issued upon a judgment taken without relief from appraisement or valuation laws, and it matters not whether it is a man's horse or his farm, or how little they may bring there is no equity of redemption, and if a man happens to be poor and gets a little in debt, say \$200, and has forty acres of land worth \$1,000, and he should be so unfortunate as not to be able to get the money, his farm is sold perhaps to some merciless Shylock for the debt, and he is thereby turned out of House and home, stripped of all his many years hard earnings by the sweat of his brow, his family beggared and there is no redress.

But the majority of your committee admit that the law would be beneficial and humane in its provisions to the judgment debtor, but object to it mainly on the grounds that it would retard the collection of debts. The proposed bill does not propose any change whatever in the collection of debts, but leaves our collection laws just as it is.

But that the effect it may have on the collection of debts seems to be the great turning point. The minority of your committee believe that instead of retarding the collection of debts it will facilitate them, as under the proposed change the sheriff or officer who sells does not give a deed but a certificate of purchase and gives the judgment debtor one year to redeem by saying six per cent. penalty and six per cent interest, and give the purchaser the possession of the premises. Thus the practical effect of the law would be to give the purchaser a certificate drawing twelve per centum per annum, which certificate is assignable by endorsement, thereby holding out a great inducement to those who have money instead of sending it off to other States, to invest for a greater interest than is allowed here by law, to invest their money in the purchase of real estate, sold on execution or in the purchase of the certificates.

So the beneficial results arising from the passage of a bill of this character are two-fold in their nature.

*First.* It would give the judgment debtor a time to redeem his home.

*Second.* It would afford a means for the investment of money legally, at a greater rate of interest than is allowed by law, and consequently will facilitate collections of debt.

Again, in adopting this proposition we are following the legislation of Ohio, Illinois and various other States on this subject. There has been a law on the statute books of Illinois providing for the redemption of real estate sold on execution, for nearly twenty years, and a similar provision in Ohio nearly as long. But the majority of your committee contend that our stay laws are longer

than in those States, and therefore we should not give any more time to the debtor than is allowed already. The stay of an execution in Illinois is ninety days, while in Indiana it is one hundred and eighty days, and Ohio about in the same proportion; but in Ohio no property can sell unless it brings at least two-thirds of its appraised value, while the property of the debtor in Indiana is sold for just what it will bring under the hammer. In Ohio there is a redemption and in Indiana none. The minority of your committee think the proposition is so plain that it only needs a statement to show its justness.

For these reasons and many others which need not be stated here, the minority of your committee recommend that the report of the majority be laid on the table and that the bill be passed.

The question being on concurring in the report of the majority of the committee.

Messrs. Griffin and Parks demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Devol, Early, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hancock, Harney, Harrison, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Lewis, Mellett, Merrifield, Martin, Nelson, Parrett, Power, Prosser, Ritter, Scott, Shields, Smith of Miami, Stanfield, Summers, Thompson of Elkhart, Wood and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Austin, Clark, Claypool, Dougherty, Durham, Gifford, Griffin, Hamilton of Boone, Hartley, Jefferis, Keefer, Knowlton, Lawhead, Major, Massey, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Robinson, Row, Rynerson, Sherman, Shockley, Smith of Perry, Snyder, Stanley, Tebbs, Thompson of Madison, Usrey, Waterman, Whetzel, Whiteman and Wildman—34.

So the report was concurred in, and the bill laid on the table.

Mr. Dougherty, from the committee on fees and salaries, made the following report:

**MR. SPEAKER:**

The committee on fees and salaries, to whom was referred certain instructions in regard to amending the law allowing docket

fees to prosecuting attorneys, have had the same under consideration, and have directed me to report the following bill and recommend its passage :

No. 318. A bill amending section twelve of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855 ;

Was read a first time and passed to a second reading.

Mr. Griffin, from the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have examined engrossed bill of the House No. 144. and find that the same is correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has appointed Messrs. Gooding, Murray and McLean as a committee of free conference on the part of the Senate, to act with a like committee on the part of the House, on House bill No. 29, " a bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violation thereof."

Mr. Turpie, from the committee on fees and salaries, made the following report :

**MR. SPEAKER :**

The committee on fees and salaries, to whom was referred House bill No. 277, " a bill to amend section 8 of 'an act to regulate the fees of officers, and repealing former acts in relation thereto,' approved March 2, 1855," have had the same under consideration, and have unanimously instructed me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Hunter moved to suspend the order of business and take up House bills No. 192 and 193.

Which was agreed to.



The House proceeded to considered

No. 291. A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State.

Mr. Smith of Perry moved to amend by striking out the following words in the first section, to-wit:

“Or belonging to any county within the State, or to any fund under control of any county, or any officer thereof.”

Also, strike out in the same section the following words, “or Comptroller of the Treasury.”

Also, in section five, strike out the words. “or Comptroller of the Treasury.”

Mr. Turpie moved to refer the bill and the proposed amendment to the committee on the judiciary.

Mr. Mellett moved to amend the motion by referring to the committee on ways and means.

Which was not agreed to.

The bill was then referred to the committee on the judiciary.

The House then proceeded to consider

No. 193. A bill relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries.

On motion by Mr. Turpie,

The bill was referred to the committee on fees and salaries.

Mr. Colgrove moved to suspend the order of business and take up message from the Senate containing House bill No. 93.

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House:

House bill No. 93. A bill to amend the 6th section, and the third clause of the 7th section of an act entitled “an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto,” approved May 13, 1852, with sundry amendments thereto.

In which the concurrence of the House is respectfully requested

On motion,

The House concurred in the first, second, third, fourth, fifth and seventh engrossed amendments of the Senate to House bill No. 93.

On motion,

The House refused to concur in the following engrossed amendments (No. 6th and 8th,) of the Senate :

Sec. —. Parties against whom a judgment of divorce shall hereafter be rendered, without other notice than publication in a newspaper herein required, may at any time within two years after the rendition of the judgement, have the same opened and be allowed to defend, but before any judgment shall be opened such party shall give notice to the original plaintiff of his intention to make such application to have the judgment opened, as the judge thereof in vacation shall require, and shall file a full answer to the original complaint for divorce, and an affidavit stating that during the pendency of the action he or she received no actual notice thereof, in time to appear in court and object to the judgment, and shall also pay all such costs as the court shall direct. Any property which was sold under such judgment so sought to be opened, and which shall have passed into the hands of a purchaser in good faith, shall not be effected by any proceedings consequent upon the opening of such judgment. The provisions of this section set out shall apply to all questions of property, alimony, or the custody of children, and to all other questions connected with the judgment except that where either of the parties have married after the judgment of divorce, prior to such notice given. In such case the dissolution of the marriage contract shall not be set aside. The provisions of this section shall extend to decrees of divorce heretofore, as well as those hereafter rendered, so far as relates to alimony, disposition of property, and the care and custody of children.

Amend last section of House bill by adding, "except as provided in the next preceding section."

The question being on concurring in the ninth amendment, (to the title.)

Mr. Davis moved to amend by striking out the words, "opening up."

Which was agreed to.

The amendment, as amended, was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

## BILLS INTRODUCED.

Mr. Stanfield obtained leave and introduced

House bill No. 319. A bill to enable forwarding and commission merchants, common carriers, and consignees to enforce liens on property unclaimed,

Which was read a first time and passed to a second reading.

Mr. Tebbs obtained leave and introduced

No. 320. A bill declaring it to be a misdemeanor to obstruct any street or alley in any incorporated town, and prescribing the penalty for;

Which was read a first time and passed to a second reading.

Mr. Dougherty obtained leave and introduced

House bill No. 321. A bill regulating the rates of exchange chargeable in certain cases herein named, and declaring it usury to take or charge exchange contrary to the provisions thereof, by any bank, individual or corporation.

Which was read a first time.

Mr. Dougherty moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Farly, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hall of Grant, Hamilton of Boone, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Ryneerson, Sherman, Shields, Shockley, Shull, Smith of Perry, Stanfield, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Wood—76.

*Those who voted in the negative, were,*

Messrs. Boyd, Wildman, and Mr. Speaker—3.



So the rule was suspended and the bill read a second time by its title.

On motion by Mr. Dougherty,

The bill was referred to a select committee of five.

The Speaker appointed Messrs. Dougherty, Martin, Hamilton of Boone, Prosser and Hunter said committee.

Mr. Treadway obtained leave and introduced House bill

No. 322. A bill authorizing the State Board of Agriculture to make a geological reconnoissance of the State, to make collections and analysis of specimens, and making appropriations therefor.

Which was read a first time and passed to a second reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Austin, from the committee on public buildings, made the following report:

**MR. SPEAKER:**

The committee on public buildings to whom was referred a resolution of the House directing them to inquire into the expediency of erecting suitable buildings for State offices, have had the same under consideration, and would respectfully submit the following report:

Your committee find upon investigation that the State is paying about fourteen hundred dollars per annum rent for offices, which would not pay the interest on the sum that would be required to build suitable fire-proof buildings, in which the records of the State would be secure from the ravages of fire. And in view of the condition of the present State house, and the necessity of the erection of a new one at no distant day, your committee are of the opinion that good policy would dictate that the entire wants of the State in buildings can be obtained much cheaper by combining the offices of the State with the capital than any other plan, also in view of the embarrassed condition of our finances at this time, your committee are of the opinion that the erection of such buildings at this time would be inexpedient.

The report was concurred in.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Knowlton, from a select committee, made the following report:

**MR. SPEAKER:**

The special committee to whom was referred the petition of sun-

dry citizens of Cass and Miami counties, ask to be discharged from a further consideration of the subject, and recommend that the petition and subject be referred to the committee on the judiciary. Which was concurred in.

Mr. Snyder, from a select committee, made the following report:

MR. SPEAKER:

A majority of the select committee to whom was referred House bills Nos. 294, 295 and 296, have considered the same and directed me to report them back and recommend that bills Nos. 294 and 296 be laid on the table, and that No. 295 be amended by striking out from the enacting clause and inserting the following, and when so amended they recommend its passage:

That the Auditor and Secretary of State are hereby constituted a board of control, to superintend the letting and construction of a State prison in that part of the State lying north of the Wabash river.

Sec. 2. It shall be the duty of said board of control, after a careful personal examination, to select in that part of the State a suitable site for the location of a State prison, which selection when made, shall be reported to the Governor for his approval, and when approved by him, shall be the place at which said prison shall be erected, and if disapproved by him, said board shall, without further delay or examination, select another site or sites, until the said board and Governor shall agree on a place for the erection of said prison.

Sec. 3. When the place for the erection of said prison shall have been agreed upon, the said board shall without delay, contract for the purchase of ——— acres of land at a cost of not exceeding ——— dollars per acre, which they shall procure, to be deeded to the State of Indiana, and shall thereupon advertise for proposals for the erection of said prison upon such plan, embracing walls, cell houses, offices, and such other necessary buildings and fixtures as may be required, to complete the establishment for the accommodation of the necessary officers and three hundred convicts, and the safe keeping thereof, in not exceeding five newspapers, two of which shall be published in the vicinity of the prison, and the others such as may be best calculated to call out competition in bids for the same; or if deemed best by said board, they may advertise and let portions of said edifice and buildings to different parties, but in letting such contract or contracts, they shall provide for the working of one hundred and fifty convict laborers on the premises, at not less than seventy cents per day each, and it shall be the duty of the Governor when necessary, to give his order on the Warden of the present prison for said number of convicts, who shall from time to time detail for such purpose the most trusty of such convicts now in prison as may be required,



with a suitable number of guards for the control and safe keeping of the same.

Sec. 4. Said board of directors shall, before the removal of said prisoners, provide a place for the temporary safe keeping of the same during the time they shall be employed on said prison.

Sec. 5. At the time appointed in said advertisement for the examination of the bids for said work, the said board shall meet at the city of Indianapolis, and they, together with the Governor, shall examine the bids and award the contract to the lowest responsible bidder, or they may award portions of said work to such bidder, if they deem proper to do so, but said prison shall not cost, exclusive of the convict labor aforesaid, to exceed the sum of fifty thousand dollars, and upon the letting or lettings as aforesaid, a contract or contracts shall be entered into by the contractor or contractors with the said board in a penalty of double the amount of work to be performed, with good and ample securities, conditioned for the honest and faithful performance of the work specified in the contract under the superintendence hereinafter named, and the contract so made shall be filed and carefully preserved in the office of the Auditor of State: *Provided*, That neither of the directors of the present State Prison, nor any officer, agent or employee thereof, or person connected therewith in any wise, nor any officer named herein, shall contract for any portion of the work herein provided for, or have any interest directly or indirectly therein, except to see that the same is faithfully executed.

Sec. 6. When the work is so let the Auditor and Secretary aforesaid shall make out a written statement under oath, setting forth the number of bids presented, the name of each bidder, the nature and amount of his bid and the action of said board thereon, and shall state that neither of them has received any bonus or gratuity of any nature or kind, or the promise thereof, in consideration with or having reference to said lettings, and that they are not in any way interested in the proposals received or the contracts made, and such statement with the proposals or bids shall be filed with and kept by the Treasurer of State.

Sec. 7. A competent and skilful person shall be selected by the said board, who shall remain in the prison grounds and superintend the erection thereof, and see that the work is faithfully and well done, according to contract, and shall make under oath monthly estimates of the work done and also the amount of convict labor performed in the same time, and file the same with the Auditor of State, who shall, in issuing his warrant to the contractor or contractors, after deducting the convict labor performed for each, retain ten per cent. from the estimate until the work is fully completed according to the contract made.

Sec. 8. Said board shall have the power to declare all contracts made under this act void, when the work is not being done or the materials to be furnished are not furnished in quality or in the time stipulated for in the contract, and shall in such event re-let



the work upon the same terms, except as to notice, as is provided in this act, and the substance of this section shall be set forth in each contract.

Sec. 9. The person whose appointment is provided for in Sec. 7 of this act, shall, under the supervision and control of the board aforesaid, discharge the duties of Warden of said prison until his successor is elected and qualified, or until he shall be removed and a new appointment made by the said board, who are hereby invested with full power for that purpose.

Sec. 10. The Auditor and Secretary of State and the person whose appointment is provided for in section 7 of this act, shall be allowed each three dollars per day for all the time necessarily employed by them in the performance of the duties required by this act.

Sec. 11. In order to carry out the provisions of this act there is hereby appropriated the sum of fifty thousand dollars out of any money in the Treasury.

Sec. 12. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Mr. Hunter, from the same select committee, made the following minority report:

MR. SPEAKER:

A minority of your committee to whom was referred House bills Nos. 294, 295 and 296, upon the subject of enlarging the old and erecting a new prison, have had the same under consideration and directed me to report that they are in favor of enlarging the prison at Jeffersonville, and opposed to erecting a new one, for the reasons set forth in the majority report of the standing committee on the affairs of the State prison. They therefore recommend that all of said bills lie on the table, as in their judgment the bill reported from said standing committee is preferable, and when properly amended, should be passed by this House.

M. C. HUNTER,  
CLARK DEVOL.

Mr. Murray moved to lay the report on the table.  
Which was agreed to.

Mr. Hunter moved to reconsider the vote.

Mr. Murray moved to lay the motion on the table.

Messrs. Hunter and Jordan demanded the ayes and nays.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boxley, Clark, Clayton, Clements, Col-

grove, Comstock, Davisson, Edwards, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Harrison, Jefferis, Keefer, Kelly, Knowlton, Lawhead, McLain, Major, Mansfield, Merrifield, Murray, Nebeker of Warren, Newton, Parks, Parrett, Power, Robinson, Row, Scott, Sherman, Shull, Snyder, Stanley, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Bowman, Cavins, Davis, Dougherty, Durham, Devol, Fordyce, Gifford, Gregory, Hamilton of Boone, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Kempf, Lewis, Massey, Mellett, Martin, Nebeker of Vermillion, Nelson, Ritter, Rynerson, Shields, Shockley, Smith of Miami, Smith of Perry, Summers, Usrey, Whetzel and Wood—33.

So the motion was laid on the table.

Mr. Davis moved to recommit the various bills before the House in relation to the erection of a new State prison, and also the bill reported by the committee on the affairs of the State prison, to the committee on the affairs of the State prison, with the following instructions:

*First,* To provide for the enlargement of the State prison, the enlargement not to cost however more than the sum of twenty-five thousand dollars.

*Second,* To make it the duty of the directors of the State prison to examine and select some suitable point in the north part of this State for a new State prison, and report the same to the Governor before the meeting of the next legislation.

Mr. Scott moved to lay the motion and instructions on the table.

Messrs. Hunter and Scott demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Clark, Claypool, Clements, Colgrove, Comstock, Davisson, Dobbins, Durham, Edwards, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Jefferis, Kelly, Knowlton, Lawhead, McLain, Mansfield, Murray, Nebeker of Warren, Newton, Parks, Parrett, Power, Robinson, Row, Scott, Sherman, Shull, Snyder, Stanley, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Bowman, Brotherton, Cavins, Davis, Dougherty, Devol, Fordyce, Gifford, Gregory, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Kempf, Lewis, Major, Massey, Mellett, Martin, Nebeker of Vermillion, Nelson, Ritter, Rynerson, Shields, Shockley, Summers, Whetzel and Wood—30.

So the motion prevailed.

Mr. Ritter moved that the House do now adjourn.  
Which was not agreed to.

The question being on concurring in the report of the majority of the committee.  
It was agreed to.

House bill No. 295 as amended was then ordered to be engrossed.

Mr. Austin, from a select committee, obtained leave and made the following report :

**MR. SPEAKER :**

The select committee to whom was referred Senate bill No. 142 with various amendments, the same being the amendments embraced in the respective instructions of Messrs. Anthony and Hunter, as set forth in the Journal of yesterday, have had the same under consideration and have directed me to report the same back to the House so amended and recommend its passage.

The report was concurred in and the amendments adopted.

Mr. Stanfield moved to amend the bill by striking out all of the first section after the word "situation," in the forty-third line, and insert in lieu thereof the following: "That the appraisers in estimating the value of such railroads and plank roads, shall take into consideration the location of the same for business, the amount of its gross and net earnings, and the condition of such roads for present and future business, so as to enable him to arrive at the true value of such roads, without reference to their cost or indebtedness.

Mr. Stanfield moved to refer the bill and pending amendment to the committee on the judiciary.  
Which was agreed to.

On motion by Mr. Scott,  
The House adjourned until 2 o'clock, P. M.



2 O'CLOCK, P. M.

The House met.

Mr. Usrey obtained leave and presented

A petition signed by sundry citizens of Sullivan county, on the subject of education.

Which was,

On motion,

Referred to the committee on education.

Mr. Edwards obtained leave and introduced House bill

No. 323. A bill authorizing married women over eighteen and under twenty-one years of age, to unite with the husband in conveying or mortgaging his real estate, with the approval of a guardian, where the wife has neither father or mother residing in this State.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Third Reading.*

No. 128. A bill to regulate the practice of the supreme court in the construction and interpretation of bills of exceptions set forth in transcripts.

Which was pending at the adjournment on yesterday, was taken up.

Mr. Davis moved a call of the House.

Which was ordered.

The Clerk proceeded with the call when the following members answered to their names :

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis,

McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—76.

On motion,  
The further call was suspended.

The question being shall House bill No. 128 pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Davis, Dobbins, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanley, Stiles, Summers, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Bowman, Brotherton, Carr, Clements, Dougherty, Hall of Grant, Keefer, McLain, Mellett, Merrifield, Prosser, Shockley, Shull, Stanfield, Thompson of Madison and Waterman—16.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 121. A bill to provide for the protection of fish in lakes in this State, and defining the time in which the same may be shot or caught in seines or nets, and declaring the penalty for the violations of this act.

Was read a third time.

Mr. Dougherty moved to amend the bill by striking out "fifty dollars" and inserting "five dollars" in lieu thereof.

Which was consented to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Clark, Davis, Dougherty, Devol, Fordyce, Gifford, Hamilton of Boone, Harrison, Jefferis, Mansfield, Miller, Parks, Power, Robinson, Scott, Sherman, Smith of Miami, Stiles, Waterman, Whetzel and Whiteman—21.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Brotherton, Carr, Cavins, Claypool, Clayton, Collier, Comstock, Davisson, Dobbins, Early, Edwards, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lewis, McLain, Major, Massey, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Prosser, Ritter, Row, Rynerson, Shields, Shockley, Shull, Smith of Perry, Summers, Thompson of Madison, Treadway, Turpie, Usrey, Wildman, Wood and Mr. Speaker—54.

So the bill was lost.

Mr. Keefer moved to re-consider the vote just taken.  
Which was agreed to.

Mr. Nebeker of Warren moved to re-commit with instructions to so amend the bill as to "allow fishing to be done at all times in rivers that are navigable for steamboats."

Mr. Cavins moved to lay the motions and instructions on the table.  
Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Carr, Clark, Colgrove, Davisson, Davis, Dougherty, Devol, Fordyce, Gifford, Hamilton of Boone, Harrison, Jefferis, Jordan, Knowlton, Lawhead, Mellett, Merrifield, Miller, Parks, Power, Ritter, Robinson, Scott, Sherman, Smith of Miami, Snyder, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Waterman, Whetzel, Whiteman and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Brotherton, Cavins, Claypool, Clayton, Clements, Collier, Comstock, Dobbins, Durham, Early, Edwards, Gregory, Hamilton of Wayne, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Kempf, Lewis, McLain,



Major, Massey, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Row, Rynerson, Shockley, Shull, Smith of Perry, Stanley, Summers, Thompson of Madison, Turpie, Usrey, Wildman and Wood—51.

So the bill did not pass.

No. 124. A bill to prohibit the throwing of carrion or dead animals into running streams and prescribing the penalty for the violation thereof.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Cléments, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—90.

Mr. Scott voted in the negative.

So the bill passed.

Mr. Whetzel moved to amend the title as follows, to-wit:

An act to prohibit the throwing or depositing any carrion or dead animal into any running stream or lake of water in this State, and to prevent the depositing or burying any carrion or dead animal on the banks of the same, and prescribing the penalty for the violation thereof.

Which was agreed to.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

No. 125. A bill to prevent persons from riding, leading or driving any kind of animal or animals upon the track or embankment of railroads, or driving wagons or carriages thereon, except as therein provided, and prescribing punishment for violation thereof.

Was read a third time.

Mr. Cavins moved that the bill be re-committed to a select committee with the following instructions :

Amend so as to permit persons to cross railroads over private ways.

Which was agreed to.

Mr. Hamilton of Boone moved the following additional instructions :

Amend by inserting after the word "public" the word "private," and to provide for farmers when necessarily engaged in the business of their farms.

Which was agreed to.

The Speaker appointed Messrs. Cavins, Hunter, Mellett, Davis and Branham said committee.

Mr. Davis moved that House bill No. 1 be again put on its passage.

Which was agreed to.

No. 1. A bill to provide for taking the sense of the qualified voters of the State, and calling a convention to alter, amend or revise the Constitution of the State.

Was taken up.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Durham, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Rynerson, Scott, Sherman, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Gifford, Hamilton of Boone, Hancock, Harney, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, Major, Massey, Nelson, Newton, Parrett, Prosser, Row, Shields, Shockley, Snyder, Summers, Thompson of Madison, Usrey, Waterman, Wheeler and Wood—34.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

No. 134. A bill to amend the first section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boyd, Boxley, Brianham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Cotton, Davisson, Davis, Dobbins, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Keeter, Kelly, Kempf, Knowlton, Lawhead, Lewis, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Urey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Wood—77.

*Those who voted in the negative were,*

Messrs. Harney, Jones, Newton, Parrett, Wood and Mr. Speaker—6.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Parrett moved that House bill No. 105 be taken up and put on its passage.

Which was agreed to.

No. 105. A bill to compel owners of town lots to grade and pave sidewalks, and fixing penalties thereto.

Was taken up, and

The question being, shall the bill pass?

*Those who voted in the affirmative were*

Messrs. Blythe, Bowman, Boxley, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Early, Hamilton of Wayne, Hancock, Harney, Har-



risson, Jones, Jordan, Kelly, Kempf, Knowlton, Lewis, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanfield, Stiles, Summers, Thompson of Elkhart, Treadway and Wheeler—52.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Branham, Cavins, Dougherty, Durham, Devol, Edwards, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hartley, Hunter, Johnston, Keefer, McLain, Martin, Row, Rynerson, Scott, Thompson of Madison, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—32.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 136. A bill for the protection of sidewalks in towns and villages, and for the preservation of shade trees planted along the same.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Carr, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Devol, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Bowman, Brotherton, Cavins, Clark, Dougherty, Early, Edwards, Hartley, Jefferis, Massey, Martin, Nebeker of Vermillion and Usrey—13.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 138. A bill declaratory of the meaning of the first section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate and contest thereof," approved May 31st, 1852, and to legalize all wills made by married women in pursuance of said act since the taking effect thereof.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jones, Jordan, Kempf, Lewis, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, White-man, Wildman, Wood and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Dougherty, Durham, Hancock, Keefer, Kelly, Knowlton, Major and Usrey—8.

So the bill passed.

*Ordered* that the Clerk inform the Senate thereof.

No. 144. A bill to authorize railroad companies to issue bonds, fix the rate of interest thereon, to sell or exchange the same, and to secure the payment thereof, and to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchaser or purchasers; to provide for a new stock, the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities.

Was read a third time, and

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Branham, Brotherton,

Carr, Cavins, Clark, Clayton, Colgrove, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Early, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Jefferis, Johnston, Jordan, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Power, Prosser, Row, Scott, Sherman, Shockley, Smith of Miami, Snyder, Tebbs, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Whiteman and Wildman—55.

*Those who voted in the negative were*

Messrs. Austin, Claypool, Collier, Dobbins, Durham, Hamilton of Boone, Hartley, Hunter, Jones, Keefer, Kelly, Kempf, Lewis, Major, Massey, Merrifield, Martin, Nelson, Ritter, Rynerson, Shields, Shull, Summers, Usrey, Waterman, Wood and Mr. Speaker—27.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 150. A bill to amend sections 44, 152, 193, 199, 322 and 638 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, requiring an answer to be sworn to before a judgment on a default against a non-resident shall be set aside; authorizing property taken on attachment to be sold in certain cases; judges in vacation to appoint receivers, and providing for the faithful discharge of their duties; to modify, discharge or reinstate orders of injunction granted in vacation; provisions in relation to the continuance of causes and sale of property in the foreclosure of mortgages.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brother-ton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kempf, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles,



Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Griffin, Hancock, Kelly, McLain and Waterman—5.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 198. A bill to prohibit owners or those who have the management or control of certain stock from allowing the same to run at large, and prescribing penalties therefor.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boxley, Carr, Clark, Claypool, Clayton, Comstock, Davisson, Durham, Edwards, Griffin, Hall of Rush, Harrison, Jefferis, Jones, Kelly, Knowlton, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Newton, Power, Ritter, Row, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Boyd, Cavins, Collier, Dobbins, Dougherty, Devol, Gifford, Gregory, Hall of Grant, Hancock, Hartley, Hunter, Johnston, Jordan, Keefer, Kempf, Lawhead, Lewis, Massey, Martin, Nebeker of Warren, Nelson, Parks, Parrett, Robinson, Scott, Shull, Summers, Turpie, Usrey and Whetzel—33.

So the bill failed for want of a constitutional majority.

No. 160. A bill to amend the first section of an act entitled "an act providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished," approved February 12th, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Harrison, Johnston, Jones, Jordan, Kelly, Kempf, Lewis, McLain, Massey, Mellett, Miller, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Power, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Austin, Devol, Hartley, Hunter, Jefferis, Knowlton, Lawhead, Major, Mansfield, Ritter and Waterman—11.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Governor, by Mr. Osbourne, executive messenger

**MR. SPEAKER:**

I am directed by the Governor to inform the House that he has approved and signed the following bills:

House bill No. 16. An act to amend an act entitled "an act to amend the 32nd section of an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852," approved March 7, 1857.

House bill No. 20. An act to prevent carrying concealed and dangerous weapons, and to provide punishment therefor.

House bill No. 249. An act to change the time of holding the common pleas court in St. Joseph, Marshall and Starke counties, and the length of terms therein.

House bill No. 27. An act to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies and to assume a common name, and defining the powers of such consolidated company.

Mr. Fordyce moved to suspend the order of business for the purpose of putting House bill No. 198 on its passage again.

Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boxley, Branham, Carr, Clark, Claypool, Clayton, Colgrove, Comstock, Davisson, Davis, Durham, Edwards, Fordyce, Griffin, Hall of Rush, Hamilton of Boone, Harrison, Jeffers, Jones, Kelly, Knowlton, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Newton, Power, Ritter, Row, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—54.

*Those who voted in the negative were*

Messrs. Bowman, Boyd, Brotherton, Cavins, Collier, Dobbins, Dougherty, Early, Gifford, Hall of Grant, Hancock, Harney, Hartley, Hunter, Johnston, Jordan, Keefer, Kempf, Lawhead, Lewis, Massey, Martin, Nebeker of Warren, Nelson, Parks, Robinson, Scott, Shull, Smith of Perry, Summers, Turpie, Usrey, Whetzel and Wood—34.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 167. A bill to provide for the fees of sheriffs in conveying convicts to the State Prison, and providing for violations hereof, and to repeal all laws in conflict herewith.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jeffers, Johnston, Jones, Jordan, Kempf, Lewis, McLain, Mansfield, Massey, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Summers, Tebbs, Thompson of Elkhart,



Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Claypool, Early, Mellett, Merrifield, Murray and Stiles—6.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 170. A bill providing for the colonization of negroes in Indiana, making an appropriation therefor, creating a State Board of Colonization, declaring their duties and powers, and repealing existing laws relative to colonization.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Branham, Brotherton, Cavins, Clark, Claypool, Comstock, Cotton, Davisson, Davis, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hunter, Johnston, Lawhead, Kempf, Lewis, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Newton, Power, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Perry, Stanley, Stanfield, Stiles, Summers, Thompson of Elkhart, Whetzel, Whiteman, Wildman and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Boxley, Carr, Clayton, Clements, Colgrove, Collier, Dobbins, Dougherty, Durham, Devol, Early, Hall of Grant, Hamilton of Wayne, Hartley, Jefferis, Jones, Jordan, Keefer, Kelly, Knowlton, McLain, Merrifield, Martin, Nelson, Parks, Rynerson, Shockley, Shull, Smith of Miami, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler and Wood—39.

So the bill failed for want of a constitutional majority.

No. 171. A bill declaring it to be a misdemeanor for the clerks of the circuit and common pleas court to refuse to issue summons and other writs in certain cases, and defining the penalty therefor.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, McLain, Mansfield, Miller, Murray, Nebeker of Warren, Nelson, Parks, Power, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr Speaker—69.

*Those who voted in the negative were,*

Messrs. Boyd, Dougherty, Durham, Early, Gifford, Hunter, Jordan, Knowlton, Lewis, Major and Newton—11.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 172. A bill to repeal an act entitled "an act to provide for the restoration and preservation of the records of the supreme court," approved February 7, 1855.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Durham, Hamilton of Boone, Hartley, Knowlton, Sherman, Usrey, Waterman and Wood—8.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Murray obtained leave and made the following report from the committee of free conference, appointed on House bill No. 29 :

MR. SPEAKER :

The committee of free conference to whom was referred the disagreement of the Senate amendment to House bill No. 59, " a bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors ; to prevent drunkenness and crimes ; to prohibit the adulteration of liquors ; to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violations thereof," have agreed on the accompanying amendment, or additional section in lieu thereof, and they recommend that the House adopt the same in lieu of that which the Senate insisted upon and the House disagreed to.

Sec. 15. Nothing contained in this act shall be so construed as to prohibit the sale or barter in any quantity by the manufacturer, of wine or cider manufactured from fruits grown in this State by the manufacturer or any other person. *Provided*, That said manufacturer shall not sell or barter such wine or cider to be drank or suffer the same to be drank in his house, out-house, yard, garden, or on any of his premises.

Which was concurred in.

No. 175. A bill to amend section eleven of an act entitled " an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases.

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Brother-ton, Carr, Cavins, Clark, Claypool, Clements, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kempf, Lawhead, Lewis, Mansfield, Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Watterman, Whetzel, Whiteman, Wildman and Wood—72.



*Those who voted in the negative were,*

Messrs. Branham, Colgrove, Collier, Edwards, Griffin, McLain, Major, Row, Wheeler and Mr. Speaker—10.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Dougherty moved to re-consider the vote by which the House concurred in the report of the committee of free conference on House bill No. 29.

Which was not agreed to.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared engrossed bills of the House Nos. 195 and 300 with the originals and find them correctly engrossed.

On motion by Mr. Murray,  
The House adjourned until 7 o'clock, P. M.

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7 o'clock, P. M.

The House met.

On motion,  
The order of business was suspended and bills on their second reading taken up.

#### HOUSE BILLS ON SECOND READING.

House bill No. 302. A bill regulating the public printing of the

State of Indiana and fixing the compensation therefor, and prescribing the duties of certain officers therein named.

Was taken up, and

On motion by Mr. Dobbins,  
Laid on the table.

No. 303. A bill supplementary to the fifteenth article of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize attachments in certain cases;

Was read a second time, and

On motion,  
Referred to the committee on rights and privileges.

No. 304. A bill supplementary to an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852;

Was read a second time, and

On motion by Mr. Dobbins,  
Referred to a select committee of five.

Messrs. Dobbins, Jones, Stanfield, Turpie and Hunter were appointed said committee.

No. 305. A bill establishing the salaries of public officers, and providing the manner of paying the same;

Was read a second time, and

On motion by Mr. Stanfield,  
Laid on the table.

No. 306. A bill for the relief of John M. Shiery;

Was read a second time, and

On motion by Mr. Brotherton,  
Referred to a select committee of five.

The Speaker appointed Messrs. Brotherton, Mellett, Bowman, Dougherty and Prosser, said committee.

No. 307. A bill providing for the repayment of State taxes illegally assessed and collected for 1857, and paid into the State treasury;

Was read a second time and ordered to be engrossed.

No. 308. A bill to encourage the preservation of sheep, and taxing dogs, and for other purposes ;

Was read a second time, and

On motion,

Referred to the committee on rights and privileges of the inhabitants of this State.

No. 309. A bill to repeal an act entitled "an act to provide for the election, fixing the compensation and prescribing the duties of attorney general of the State of Indiana, approved February 20, 1855 ;"

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 310. A bill to regulate the practice of medicine and surgery.

Was read a second time, and

On motion by Mr. Collier,

Referred to a select committee of five.

The Speaker appointed Messrs Collier, Turpie, Murray, Stanfield and Devol said committee.

No. 311. A bill to amend the fifteenth section of an act entitled "an act defining felonies and prescribing punishment therefor."

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 312. A bill to prohibit unqualified persons to practice the science of medicine, surgery and the Pharmaceutical art.

Was read a second time, and

On motion,

Referred to the same select committee to which House bill No. 310 was referred.

No. 313. A bill fixing the salaries of the Trustees of the Wabash and Erie Canal.

Was read a second time, and

On motion by Mr. Clements,

Was referred to a select committee of three.

The Speaker appointed Messrs. Clements, Nebeker of Warren and Comstock said committee.

No. 314. A bill to repeal the seventy-third section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State



of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21 1852.

Was read a second time, and

On motion by Mr. Carr,

Referred to a select committee of five.

The Speaker appointed Messrs. Carr, Bowman, Miller, Black and Shockley said committee.

No. 315. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 316. A bill to fix the time of holding the courts of common pleas in the counties of Steuben and DeKalb, and to repeal all laws conflicting therewith.

Was read a second time and ordered to be engrossed.

No. 317. A bill to prescribe punishment for the failure of any treasurer, auditor, clerk or recorder of any county in this State to perform the duties required of him by law,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 16. A bill to amend the first section of "an act to amend the first section of an act entitled 'an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and ledgerdemain,' approved June 15, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers," approved March 7, 1857.

Was read a second time, and

On motion.

Referred to the committee on the judiciary.

Mr. Collier moved that two members be added to the select committee on House bill No. 310.

Which was agreed to.

The Speaker appointed Messrs. Sherman and Ritter to serve as such.

Senate Bill No. 19. A bill to provide for an enumeration to be made of all the white male inhabitants over the age of twenty one years in the year 1860, and every six years thereafter.

Was read a second time, and

On motion,

Referred to the committee on county and township business.

Senate Bill No. 23. A bill to fix the times of holding the terms of the court of common pleas of the counties of Allen and Adams, and to repeal all laws in conflict therewith.

Was read a second time, and

On motion by Mr. McLain,

Referred to a select committee of three.

The Speaker appointed Messrs. McLain, Snyder and Powers said committee.

Senate bill No. 27. A bill to amend section 63 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 28. A bill to provide for the safe keeping of the bonds, mortgages and other securities entrusted to the care of certain officers herein mentioned.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 32. A bill for the better protection of growing cranberries and prohibiting the sale or purchasing the same within the time specified therein, and prescribing the punishment for the violation thereof.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Senate bill No. 36. A bill to amend the sixth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State." ap-

proved June 21, 1852, so as to exempt certain property therein named from taxation.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 39. A bill to amend section seven of "an act providing for the election of clerks of the circuit court and prescribing some of their duties," approved June 7, 1852.

Was read a second time, and

On motion,

Referred to the committee on fees and salaries.

Senate bill No. 40. A bill to amend section 151 of an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 174. A bill fixing the time of holding the court of common pleas in the county of Hendricks, and the length thereof, and repealing all laws in conflict therewith.

Was read a second time and passed to a third reading.

On motion,

The order of business was further suspended and messages from the Senate taken up.

#### MESSAGES FROM THE SENATE.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, viz:

No. 207. A bill relative to the salaries of the judges of the supreme and circuit courts, and of prosecuting attorneys in the several judicial circuits of this State.

In which the concurrence of the House is respectfully requested.

Senate bill No. 207, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.



MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

Senate bill No. 156. A bill authorizing purchasers of railroads, plank roads, turnpike roads, and McAdamized roads, or parts thereof, under mortgage sale or sales, made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 156, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, viz:

No. 240. A bill to authorize justices of the peace within their respective counties, to administer oaths generally and to legalize such as may have been administered in good faith and without fraud since the 6th day of May, A. D., 1857.

In which the concurrence of the House is respectfully requested.

Senate bill No. 240, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

Senate bill No. 192. A bill to provide for the letting out to the lowest bidder the public printing, binding and other work connected therewith, to abolish the office of State Printer, and making the Secretary of State *ex-officio* superintendent of public printing, and repealing all laws conflicting herewith.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 192, contained in the foregoing message, was read a first time and passed to a second reading.

Mr. Hartley obtained leave and offered the following resolution:

*Resolved*, That the committee on the affairs of the State prison be instructed to report back to this House the memorial of John P. Dunn and Jeremiah D. Skeen, which was referred to said committee at the extra session, and also their action thereon.

Which was agreed to.

Mr. Hartley obtained leave and offered the following resolution:

*Resolved*, That the committee on roads be instructed to enquire into the expediency of so amending the road law that where there is a judgment obtained against an individual for failing to work the roads as prescribed by law, that no property he may be possessed of at the rendition of the same shall be exempt from levy and sale by an execution on said judgment, and report immediately or so soon as practicable, by bill or otherwise.

Which was adopted.

#### BILLS INTRODUCED.

Mr. Gregory obtained leave and introduced House bill

No. 324. A bill to declare the stream of Laughery creek a navigable one from its confluence with the Ohio river to the town of Hartford in Ohio county.

Which was read a first time and passed to a second reading.

Mr. Knowlton obtained leave and introduced House bill

No. 325. A bill to fix the time of holding the Cass court of common pleas.

Which was read a first time and passed to a second reading.

Mr. Murray, by leave, moved to take House bill No. 293 from the table and place the same on the files.

Which was agreed to.

Mr. Miller obtained leave and presented sundry petitions from sundry citizens of Tippecanoe county.

Which,

On motion,

Were referred to the committee on rights and privileges without reading.

Mr. Bowman obtained leave and introduced the following bill.

No. 326. A bill to regulate the mode of providing county officers with blank books and stationery.

Which was read a first time and passed to a second reading.

#### MESSAGES FROM THE SENATE.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bill:

House bill No. 131. A bill to secure dues from private corporations.

With the following amendment to the title: Add the following words:

And to extend their immunities to all citizens who may organize on the same terms.

In which the concurrence of the House is respectfully requested.

Senate bill No. 131, contained in the foregoing message, was read a first time and passed to a second reading.

Message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed the following engrossed bills of the Senate:

Senate bill No. 50. A bill to amend the sixteenth section of an act entitled "an act concerning the partition of lands," approved May 20, 1852.

Senate bill No. 51. A bill for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people.

Senate bill No. 69. A bill to legalize all bonds and other instruments in writing executed by any assignee of a branch of the State Bank of Indiana, and authorize suits to be brought thereon, and to empower the debtors of any branch to secure the same to the sinking fund.

Senate bill No. 178. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of



their duties, and those of county and township officers in relation thereto, and matters properly connected therewith.

Senate bill No. 246. A bill authorizing the Treasurer of State to pay out moneys to aid the Indiana Historical Society, and to provide checks and restrictions in the payment of the same.

In which the concurrence of the House is respectfully requested.

Senate bill Nos. 50, 51, 69, 178 and 246, contained in the foregoing message, were severally read a first time and passed to a second reading.

Mr. Carr obtained leave and introduced the following bill :

No. 327. A bill to amend section seven of an act entitled "an act to incorporate the Ohio and Indianapolis Railroad Company," approved January 20, 1845, so as to change the number of directors ;

Which was read a first time and passed to a second reading.

Mr. Austin obtained leave and introduced the following bill :

No. 328. A bill to amend the 143d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana ; for the election of township assessors, and prescribing the duties of assessors of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852 ;

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to-wit :

Senate bill No. 25. A bill for the investment, distribution and safe-keeping of the funds arising from the 113th and 114th sections of an act establishing a State Bank, approved January 28th, 1834, and providing for the purchase of bank bonds, and prescribing the duties of certain officers therein named.

In which the concurrence of the House is respectfully requested.

Senate bill No. 25, contained in the foregoing message,  
Was read a first time and passed to a second reading.

## BILLS INTRODUCED.

By Mr. Major,

House bill No. 329. A bill requiring engineer to stop their locomotives and trains, running on any railroad, at each passenger station, there to remain without motion while persons are getting on and off the trains, and prescribing punishment for the violations thereof;

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the report of the committee of free conference on House bill No. 29, "a bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violation thereof."

By Mr. Knowlton,

No. 330. A bill to accept the proposition of Congress in relation to Agricultural Colleges, to select land and a suitable site for the location of the college, and making an appropriation therefor;

Which was read a first time and passed to a second reading.

By Mr. Branham,

No. 331. A bill to amend an act entitled an act to amend the second section of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, so as to authorize the formation of ferry companies," approved February 16, 1857;

Which was read a first time and passed to a second reading.

On motion by Mr. Turpie,  
The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock, }  
February 24, 1859. }

The House met.

On motion by Mr. Murray,  
The reading of the journal was dispensed with.

The Speaker laid before the House the following communication from the Trustees of the Wabash and Erie Canal:

INDIANAPOLIS, February 23, 1859.

HON. J. W. GORDON.

*Speaker of the House of Representatives:*

SIR:—The undersigned, Trustees of the Wabash and Erie Canal, have been furnished with the following resolution adopted by the House on the 22d inst., viz:

“*Resolved*, That the Trustees of the Wabash and Erie Canal be requested to inform this House if it is possible that they cannot maintain the Wabash and Erie Canal in navigable condition, and if so, to state the reason why, and in that event what liquidation, if any, is necessary, to enable them to maintain or cause to be maintained, navigation on said canal, and whether such liquidation would in any manner involve or change in the arrangement and settlement with the bondholders made in 1846 and 1847.”

In reply to this resolution a majority of the Board of Trustees, now at Indianapolis, would respectfully state:

*First.* That it is certain that the Trustees cannot maintain navigation on the Wabash and Erie Canal by the means now at their disposal.

*Second.* The “reasons” why this cannot be done are fully set forth in the late report of the Board, submitted at the early part of the present session of the General Assembly, and will be found embraced therein, from pages 5 to 16 inclusive, and to a consideration of which we beg leave to call the attention of the House.

*Third.* The only “liquidation” which could be effected might be embraced under two heads. The *first* would be an appropriation of money to maintain the canal in navigable order, and the *second* to confer power upon the trustees to lease the work to private associations, who would maintain it for the benefit of the people who look to it as a means of securing cheap transportation,



as well as for the benefit and security of those who have invested large sums in mills, manufactories, warehouses, transportation lines, and boats connected with the business of the canal.

*Fourth*, The Trustees are clearly of the opinion that the liquidation above enumerated could in no wise "involve a change in the arrangement and settlement with the bondholders in 1846 and 1847"—and we are sustained in this declaration by every unprejudiced legal opinion in our hearing. The Trustees desire nothing to be done incompatible with a strict regard to that arrangement, and only wish such legislation as will secure the work from ruin and decay. The Trustees feel every confidence that the State and the bondholders share in this sentiment, and that neither would knowingly treat a subject of such grave importance in a manner unbecoming the integrity of patient creditors or the dignity of a sovereign State.

As citizens of Indiana, representing equally the State and her creditors, we desire no legislation which is not open, fair and unmistakeable; none that will not recommend itself to the judgment of all good men.

These are the only suggestions which occur to us as necessary in response to the resolution of the House.

Whether the leasing of the canal is practicable is not, in our minds, absolutely certain, though we think the probabilities are favorable to that end. If the lessees could be relieved from the maintenance of bridges over the canal where it crosses State and county roads, it would go far to secure that desirable result. As this burden would have to be borne by those who have an *immediate* and *direct* interest in canal navigation, we cannot doubt that the people of the Wabash counties would cheerfully assume the responsibilities thus created. This suggestion is made more for the benefit of a portion of the citizens of Indiana than for the interest of those living without its borders. In this connection it is proper that we should say that none of the bills pending in either house at the present session, have been submitted to the Trustees before their introduction, and that we have had no agency in preparing them or advising their preparation. They have originated with those who desire that the canal should be maintained for the use and service of the people of the Wabash Valley. These citizens have had our anxious wishes for the success of some measure which would meet the expectations of the people of twenty two counties so deeply interested in this work.

We would respectfully suggest that the authority to lease this Canal must be derived from the State and the bondholders, and that without this authority and consent *that cannot be done*. As trustees we have not the power to *lease* or *abandon* the work, and could not act without the consent of both. It is due to the importance of the interests involved that this declaration should go to the Honorable body over which you preside, and that our position should be thoroughly understood, to prevent future misappre-

hensions. We cannot divest ourselves of even the temporary control of this Canal without the assent of both parties to the arrangement of 1847, and, for this reason, *some* action is essential to the maintainance of navigation. In what words or phrase that assent shall be given does not concern the trustees, and cannot change, modify or increase the responsibilities of either the bondholder or the State. No enactment looking to the working of the Canal by private companies, *and wanting this sanction*, can avail to keep the work in operation. Indeed any hope of this kind would only create disappointment and be a source of annoyance to the people.

The State, in the act establishing the trust, anticipated that further legislation might become necessary, and in the act of 1847 it is specially promised *that the State shall and will supply*, by future legislation, all needful enactments to carry out the obvious intent and meaning of the arrangement between Indiana and the bondholders. No one then supposed or expected that a trust so large, and with individual and public interests so varied, could be successfully maintained without the protecting power of the State. The time has arrived when this promised legislation has become necessary, and the trustees only ask that the State, without committing herself to any future liability, or imposing new conditions on the creditors of the State, shall confer power to secure the preservation of this work for the use and benefit of her own citizens.

THOMAS DOWLING,  
RICHARD RALEIGH,

*Trustees.*

On motion,

The communication was referred to the committee on canals.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed bills of the House No. 222, 223 and 263, and find that the same are correctly engrossed.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee an enrolled bills have examined enrolled bill of the House No. 131, compared it with the engrossed copy thereof and find the same correctly enrolled.

## REPORTS FROM SELECT COMMITTEES.

Mr. Hamilton of Boone, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No, 291, a bill to prescribe the mode of taxing the Bank of the State of Indiana, to repeal the fifteenth section of its charter, and to prohibit said bank from issuing on its deposits, &c., have had the same under consideration and directed me to report the same back with the following amendments, and when so amended recommend its passage:

Amend the first section in the sixth line by striking out the words "and paid in."

Amend said section by inserting in the ninth line after the word county, "school road," and in the same line after the word "municipal," insert "and all other."

Amend tenth line of said section by adding after the words "personal property," "of individuals."

Strike out all after the word "Indiana" in the twelfth line.

Amend section two by striking out the words "said branch" in the tenth line, and inserting in lieu thereof, "the stockholder."

Strike out the word "it" at the end of the eleventh line.

Strike out the words "is situated" in the twelfth line, and insert in lieu thereof, "where the stockholder may reside."

Add to said section the following:

*Provided*, That in all cases where the holder or owner of any of the stock of said Bank or any of its branches are non-residents of this State, said bank or branch shall pay the taxes as aforesaid on all said non-resident's stock on their stock books respectively in the county, township, city, borough or town where said Bank or branch may be situated.

The report was concurred in, and the amendments adopted and the bill ordered to be engrossed.

Mr. Murray moved a call of the House.  
Which was ordered.

The Clerk proceeded with the call and the following members answered to their names:

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Hall of Grant, Hall of Rush,



Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker—76.

On motion by Mr. Murray,  
The further call of the House was dispensed with.

On motion by Mr. Stanfield,  
Bills on the third reading were taken up.

#### HOUSE BILLS ON THIRD READING.

No. 199. A bill to create the fourteenth judicial circuit, and to fix the time of holding courts therein.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branhams, Brotherton, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Power, Ritter, Robinson, Row, Rynerson, Sherman, Shockley, Smith of Miami, Snyder, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Whetzel, Wildman, Wood and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. McLain, Prosser, Stanley and Wheeler—4.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 188. A bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed

March 3, 1855, providing for additional securities in the delivery, surrender or sale of stocks or bonds deposited under said act.

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Kelly, Kempf, Lewis, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Prosser, Ritter, Robinson, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—77.

Messrs. Knowlton and Row voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 204. A bill prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons, in their respective townships, and prescribing the duties of county auditors and of the auditor of State relative thereto;

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wa-

terman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—84.

No one voting in the negative.

So the bill passed.

*Ordered*; That the Clerk inform the Senate thereof.

No. 203. A bill to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Cotton, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Wood—79.

Mr. Speaker voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 206. A bill to amend the thirty-sixth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor;"

Was read a third time, and

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Colgrove, Collier, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Kelly, Kempf, Knowlton, Lewis, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynearson, Sherman, Shields, Shockley, Shull, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—77.

No person voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 208. A bill to provide for the case of removal from office, death, resignation or inability, both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kempf, Lewis, Major, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Cavins and Knowlton—2.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 209. A bill to amend the 38th section of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 10th, 1852;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Brotherton, Claypool, Clements, Colgrove, Dobbins, Dougherty, Durham, Devol, Early, Fordyce, Gifford, Hamilton of Boone, Harney, Harrison, Hartley, Johnston, Jordan, Keefer, Kempf, Knowlton, Lewis, Major, Mansfield, Mellett, Miller, Martin, Parks, Parrett, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Shockley, Snyder, Stanfield, Stiles, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Whetzel and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Boyd, Branham, Carr, Cavins, Clark, Clayton, Collier, Comstock, Cotton, Davisson, Edwards, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hunter, Jefferis, Jones, Kelly, McLain, Massey, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Power, Row, Rynerson, Shull, Smith of Miami, Stanley, Thompson of Elkhart, Treadway, Wheeler, Whiteman, Wildman, and Wood—41.

So the bill did not pass for want of a constitutional majority.

No. 227. A bill to amend an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares, and grounds or any part thereof, the making out and recording of plats of such towns, and providing for the changing of the names of such towns," approved May 20, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan,

Keefer, Kelly, Kempf, Knowlton, Lewis, McLain, Major, Mansfield, Massey, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—79.

No person voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 228. A bill to provide for the collection of the surplus revenue fund belonging to the counties of Dekalb, Lake and Wells, on loan at the State Treasury, and for the payment of said funds over to the treasurers of said counties ;

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—83.

No person voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 212. A bill prescribing a part of the duties of county auditors and treasurers, township clerks and supervisors of roads in relation to road tax, and to provide a penalty for any failure on the part of said officers to discharge their duties as required in this act ;

Was read a third time.



Mr. Brotherton moved to amend the bill by striking out the words "township clerks" and insert in lieu thereof the words "township trustee."

Which was unanimously agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Bowman, Boyd, Branham, Brotherton, Carr, Clark, Clayton, Clements, Colgrove, Collier, Dougherty, Devol, Early, Fordyce, Gifford, Gregory, Hamilton of Boone, Hamilton of Wayne, Hartley, Keefer, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Mellett, Nelson, Prosser, Robinson, Row, Shields, Shockley, Smith of Miami, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Usrey, Waterman, Whetzel, Wildman and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Cavins, Comstock, Cotton, Davisson, Dobbins, Durham, Hall of Grant, Hall of Rush, Harney, Harrison, Hunter, Johnston, Jones, Jordan, Kelly, McLain, Massey, Merri-field, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Parrett, Ritter, Rynerson, Stanley, Stanfield, Stiles, Turpie, Wheeler, Whiteman and Wood—36.

So the bill failed for want of a constitutional majority.

No. 213. A bill to amend the twenty-third section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,

Was read a third time.

Mr. Harney moved that the bill be re-committed to the committee on rights the and privileges, with the following instructions:

To add as an amendment to the bill to section 124 the following proviso:

*Provided.* If any county treasurer shall fail or refuse to make such settlement and pay over such money within ten days after the time specified, he shall forfeit and pay to the State two per cent. on all money due from him to the State, and it shall be the duty of the Treasurer of State to collect the amount so forfeited by process in law.

Which was agreed to.

Mr. Prosser offered the following additional instructions :

Amend by striking out all which relates to deducting indebtedness out of moneys on hand or at interest, or out of personal property.

Mr. Martin moved to amend as follows :

Strike out of the proviso all that portion of the same that relates to cash in hand, personal property and money loaned.

Mr. Murray moved to lay the amendment on the table.  
Which was agreed to.

Mr. Boyd moved to amend as follows :

By allowing it to be deducted where the creditor resides within this State.

Mr. Prosser moved to lay the amendment on the table.  
Which was agreed to.

Mr. Hamilton of Boone moved to re-consider the vote re-committing the bill to the committee on rights and privileges.  
Which was agreed to.

Mr. Hamilton of Boone then moved that the bill and instructions be laid on the table.  
Which was agreed to.

No. 224. A bill to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle.

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Clark, Clayton, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Hall of Rush, Hamilton of Boone, Hancock, Hunter, Jones, Jordan, Kempf, Knowlton, Lewis, Major, Massey, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Parrett, Power, Prosser, Robinson, Rynerson, Row, Shields, Snockley, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, White-man, Wildman and Mr. Speaker—59.

H. J—50.

*Those who voted in the negative were,*

Messrs. Austin, Branham, Cavins, Hall of Grant, Hartley, Kelly, McLain, Mansfield, Merrifield, Nelson, Ritter, Scott, Shull, Whetzel and Wood—15.

So the bill passed.

Mr. Stanfield moved to reconsider the vote just taken.

Mr. Murray moved to lay that motion on the table.  
Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

No. 214. A bill to amend section 441 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, so as not to compel the sheriff having an execution issued on less than one hundred dollars exclusive of accruing interests and costs, to levy the same on real estate designated by the judgment debtor.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Johnston, Jordan, Kempf, Lewis, Major, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Power, Robinson, Row, Ryner-son, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman and Whiteman—60.

*Those who voted in the negative were,*

Messrs. Blythe, Dobbins, Dougherty, Durham, Early, Edwards, Jefferis, Jones, Kelly, McLain, Parks, Parrett, Prosser, Ritter, Usrey, Whetzel, Wood and Mr. Speaker—18.

So the bill passed.

Mr. Clements moved to reconsider the vote just taken.



The ayes and nays being demanded by Messrs. Davis and Clements.

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Clements, Colgrove, Davisson, Davis, Dobbins, Dougherty, Durham, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hamilton Wayne, Hancock, Harrison, Hunter, Jefferis, Jones, Jordan, Kelly, Kempf, McLain, Major, Massey, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Ritter, Row, Rynerson, Sherman, Shockley, Shull, Smith of Perry, Stanfield, Summers, Thompson of Elkhart, Thompson of Madison, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Baird, Brotherton, Clark, Claypool, Collier, Comstock, Devol, Gregory, Hall of Rush, Harney, Hartley, Johnston, Lewis, Mellett, Merrifield, Miller, Power, Robinson, Scott, Shields, Smith of Miami, Snyder, Stanley, Stiles, Sullivan, Tebbs, Treadway and Whiteman—28.

So the motion to reconsider prevailed.

Mr. Murray moved that the bill be laid on the table.  
Which was agreed to.

On motion by Mr. Hartley,  
The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met.

#### HOUSE BILLS ON THIRD READING.

No. 272. A bill defining the meaning of the word "fence," as

used in an act entitled "an act concerning enclosures, trespassing animals and partition fences," approved June 4, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Bowman, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Hancock, Harney, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Massey, Mellett, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Ritter, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—71.

Mr. McLain voted in the negative.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 268. A bill prescribing the time of holding the courts of common pleas in the several counties therein named.

Was read a third time.

Mr. Blythe, by unanimous consent, moved to amend the bill as follows, to-wit:

Amend bill No. 268, on third page, in the sixth and eleventh lines by striking out the word "Pike" and inserting the word "Daviess," and in the thirteenth line of same page by striking out the word "Pike" and inserting "Daviess," and in the eleventh line of same page by striking out the word "one" and inserting "two," and in the fourteenth line of same page by striking out "two" and inserting "one." Amend third line of fourth page by striking out "Daviess" and inserting "Pike."

Which was agreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Branham, Brotherton, Carr,

Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hancock, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Warren, Nebeker of Vermillion, Nelson, Newton, Parrett, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—83.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 267. A bill prescribing the time of holding and the length of terms of the courts in the third judicial circuit;  
Was read a third time.

Mr. Blythe, by unanimous consent, moved to amend the first section of the bill by striking out the word "last," in the fifth line, and inserting the word "fourth."

Which was consented to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boxley, Branham, Brother-ton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—84.

No one voting in the negative.



So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

No. 266. A bill to provide for the transfer from the courts of common pleas to the circuit court of certain cases wherein the the court of common pleas has no jurisdiction ;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Power, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—88.

No one voting in the negative.

So the bill passed.

*Ordered* that the Clerk inform the Senate thereof.

No. 257. A bill to provide for the organization of new counties, and for the representation thereof, and the administration of justice therein ;

Was read a third time.

Mr. Hamilton of Boone moved to refer the bill to the committee on rights and privileges, with the following instructions :

To amend the bill so as to require that no new county shall be formed without consent of a majority of the qualified voters of the county or counties out of which said new county is to be created.

Which was agreed to.

No. 262. A bill to repeal an act to prevent railroad companies from changing their depots, except on conditions therein named, approved March 4, 1853;

Was read a third time, and

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kempf, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—90.

Mr. Ritter voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 276. A bill to amend section 5 of an act entitled "an act to organize a supreme court, and prescribing certain duties of the judges thereof," approved May 13, 1852;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Fordyce, Gregory, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hunter, Hartley, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—83.

*Those who voted in the negative were,*

Messrs. Boyd, Claypool, Clements, Keefer and Waterman—5.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 158. A bill to provide for the management and disposal of the estate of persons who have mysteriously disappeared, or who have deserted their families, without having made any legal provision for the care of such estate, and the support of their families;  
Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were*

Messrs. Baird, Black, Blythe, Boyd, Boxley, Branham, Brother-ton, Clark, Clayton, Colgrove, Collier, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Hunter, Jeffe-ris, Johnston, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, Mansfield, Massey, Miller, Murray, Nebeker of Vermillion, Neb-eker of Warren, Nelson, Newton, Power, Prosser, Robinson, Shockley, Shull, Smith of Miami, Stiles, Summers, Tebbs, Thomp-son of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzel, Whiteman and Wildman—58.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Cavins, Claypool, Fordyce, Hamilton of Boone, Harney, Harrison, Hartley, Jones, Kelly, McLain, Ma-jor, Parrett, Ritter, Row, Rynerson, Shields, Stanley, Usrey, Wood and Mr. Speaker—22.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

No. 177. A bill to amend section two of an act entitled "an act to authorize the relocation of county seats, and for the erection of public buildings in counties in cases of such relocation ;  
Was read a third time.

Mr. Stanley moved to recommit the bill to the committee on county and township business, with the following instructions :

"Shall be ascertained only by reports verified by affidavit of the trustee of each township, who shall make out a correct list of the legal voters of their several townships, to which shall be attached the affidavit of the said trustees, showing the correctness of said list of voters ; and it is hereby made the duty of each township trustee to make out such list of the voters in his township, and at-tach his affidavit thereto as above required.

Which was agreed to.



No. 255. A bill to abolish the complete record in all cases in which the same is now required by law to be used in the supreme court,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Branham, Brotherton, Cavins, Clark, Claypool, Cotton, Davis, Devol, Gifford, Gregory, Griffin, Harney, Hartley, Hunter, Johnston, Massey, Mellett, Miller, Murray, Martin, Nebeker of Warren, Parks, Ritter, Robinson, Scott, Sherman, Shockley, Shull, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway and Whiteman—36.

*Those who voted in the negative were,*

Messrs. Black, Bowman, Boyd, Boxley, Clements, Colgrove, Collier, Comstock, Davisson, Dobbins, Dougherty, Durham, Early, Edwards, Fordyce, Hall of Grant, Hamilton of Boone, Hancock, Harrison, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, Major, Mansfield, Nebeker of Vermillion, Nelson, Newton, Power, Prosser, Row, Rynerson, Shields, Snyder, Stanley, Summers, Tebbs, Thompson of Madison, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—49.

So the bill was lost.

No. 256. A bill to amend the seventy-first section of an act entitled "an act providing for the election and qualification of justices of peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Boxley, Branham, Carr, Claypool, Clayton, Clements, Colgrove, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Prosser, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Stanley, Stanfield, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Whiteman, Wildman and Mr. Speaker—66.

*Those who voted in the negative were*

Messrs. Boyd, Brotherton, Cavins, Collier, Jordan, Prosser, Ritter, Stiles, Treadway, Waterman, Wheeler and Wood—13.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 253. A bill providing for transferring real estate for taxation on the books of county auditors, and prescribing the chain of title thereof in the recorder's office, in certain cases therein provided for;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Branham, Brotherton, Clark, Claypool, Clements, Colgrove, Collier, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wood and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Boyd, Boxley, Cavins and Whetzel—4.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Gordon moved to reconsider the vote on House bill No. 255.

Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Boxley, Branham, Brotherton, Carr, Ca-

vins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Durham, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kempf, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Snyder, Stanfield, Stiles, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Whetzel, Whiteman, Wildman, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Austin, Clements, Dobbins, Dougherty, Early, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Newton, Power, Shields, Sullivan, Turpie and Wood—17.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 217. A bill in relation to the levy of an execution or attachment on partnership property for the individual debt of one partner;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Griffin, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Knowlton, Lawhead, Lewis, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. Branham, Gregory, Merrifield and Ritter—4.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.



No. 233. A bill to amend the third section of an act entitled "an act providing for the election and prescribing certain duties of county surveyors," approved June 17, 1852;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Boxley, Branham, Brotherton, Cavins, Clark, Clayton, Clements, Colgrove, Devol, Early, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hunter, Jefferis, Johnston, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin. Nebeker of Vermillion, Nebeker of Warren, Nelson, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wildman and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Blythe, Boyd, Carr, Claypool, Collier, Comstock, Davisson, Dobbins, Dougherty, Durham, Edwards, Gregory, Hartley, Jones, Jordan, Kelly, Knowlton, Lawhead, Lewis, McLain. Newton, Parks, Power, Sullivan, Tebbs, Wheeler, and Wood—27.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 229. A bill to amend the seventh section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Bowman, Boyd, Boxley, Bianham, Brotherton, Cavins, Clark, Clements, Collier, Cotton, Davisson, Early, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Jefferis, Johnston, Jones, Kelly, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Murray, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Shields, Smith of Miami, Snyder, Thompson of Madison, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Blythe, Claypool, Davis, Dobbins, Dough-

erty, Durham, Edwards, Gregory, Griffin, Hancock, Hartley, Jordan, Keefer, Knowlton, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Power, Rynerson, Shockley, Shull, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway and Wood—33.

So the bill failed for want of a constitutional majority.

No. 156. A bill authorizing appeals from circuit courts to the Supreme court in contested election cases.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boxley, Branham, Carr, Cavins, Clark, Claypool, Colgrove, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Lewis, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Power, Ritter, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—71.

*Those who voted in the negative were*

Messrs. Boyd, Clements, Dobbins, Hancock, Kelly, Kempf, Knowlton, Parks, Prosser, Robinson, Rynerson, Summers and Waterman—13.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 221. A bill fixing the time for holding the circuit courts in the twelfth judicial circuit, regulating the terms thereof and repealing all laws inconsistent therewith.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements,

Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—85.

No person voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 225. A bill to amend the ninety-fourth section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Davisson, Dobbins, Dougherty, Durham, Early, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Warren, Newton, Parks, Power, Prosser, Ritter, Robinson, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Stiles, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Blythe, Carr, Cavins, Devol, Gifford, Hunter, Jefferis, Johnston, McLain, Martin, Nebeker of Vermillion, Nelson, Row, Snyder, Stanley, Stanfield, Sullivan, Tebbs, Treadway and Wood—20.

So the bill passed.



*Ordered*, That the Clerk inform the Senate thereof.

No. 258. A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed," approved February 23, 1853.

Was read a third time, and .

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—88.

Mr. Boyd voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 300. A bill providing that certain notices of public sales and other legal notices therein named, shall be published in some newspaper published at the county seat of the county where such notices are to be given, in all cases, where a newspaper of general circulation is published in such county seat.

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty,

Durham, Devol, Early, Eastham, Edwards, Fordyce, Griffin, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harrison, Hartley, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Power, Prosser, Robinson, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—85.

*Those who voted in the negative were,*

Messrs. Hamilton of Wayne, Ritter and Stiles—3.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

#### SENATE BILLS ON THIRD READING.

No. 112. A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, describing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, and to provide a penalty upon city taxes remaining delinquent after the third Monday in March, 1859.

Was read a third time.

Mr. Edwards moved the following amendment:

Strike out the amendment made to come after the eleventh section, relating to compelling railroad companies to light street crossings.

Which was unanimously consented to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Boyd, Boxley, Brauham, Brotherton, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Jefferis, Kempf, Knowlton, Lewis, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power,

Prosser, Ritter, Robinson, Row, Scott, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanfield, Summers, Thompson of Madison, Treadway, Turpie, Whetzel, Whiteman, Wildman and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Austin, McLain, Stiles, Sullivan, Usrey and Wood—6.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Durham,  
The House adjourned till to-morrow morning 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
February 25, 1859. }

The House met.

On motion by Mr. Murray,  
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Knowlton,

A petition signed by sundry citizens of Cass county, praying for certain changes in the act for the incorporation of cities.

Mr. Knowlton moved that it be referred to a select committee of three.

Which was agreed to.

The Speaker appointed Messrs. Knowlton, Blythe and Davis.  
H. J.—51.



By Mr. Snyder,

A petition from sundry citizens of Jasper county on the subject of roads, praying for a law on the subject thereof.

Which was,

On motion,

Referred to the committee on roads.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Dougherty, from the committee on fees and salaries, made the following report:

**MR. SPEAKER:**

The committee on fees and salaries to whom was referred amended House bill No. 211, relative to the fees of clerks, auditors and sheriffs, with instructions to amend the law fixing the fees of county treasurers, so that such treasurers shall in no case receive more than \$1,500 per annum, have had the same under consideration and have directed me to report the bill with the following amendment thereto, as required by such instructions, which amendment they recommend be laid on the table; and further, they recommend the passage of said bill, and ask to be discharged from the further consideration of this subject.

The report was concurred in and the bill ordered to be engrossed.

Mr. Comstock, from the committee on roads, made the following report:

**MR. SPEAKER:**

The committee on roads, to whom was referred the resolution of inquiring as to so amending the road law that where there is a judgment obtained against an individual for failing to work the roads as provided by law, that no property he may be possessed of at the rendition of the same shall be exempt from levy and sale by an execution on said judgment, have had the same under consideration and recommend the passage of a law in accordance with said resolution.

Which was concurred in.

Mr. Hartley obtained leave and introduced House bill

No. 332. A bill to amend the tenth section of an act entitled "an act providing for the election of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto."

Which was read a first time and passed to a second reading.

Mr. Nebeker of Warren obtained leave and offered the following preamble and joint resolution:

**WHEREAS**, It is believed that large sums of money are and have been due the State Treasury for different lengths of time from different persons who have heretofore held State and county offices, and from banks and individuals as drawers and endorsers of bills of exchange, or otherwise, which sums are in danger of being lost by the statute of limitations, or otherwise, therefore

*Be it resolved by the Senate and House of Representatives of the State of Indiana*, That the Auditor of State be instructed to ascertain without delay, and as near as possible, the exact amount legally due the State Treasury from every person who has heretofore been an officer, agent or trustee of any funds rightfully belonging to the State, from every source, and in like manner the amount that may be due the State from any bank, corporation or company, or from any individual for money had or received, or as drawer or endorser of any note, draft or bill of exchange in favor of the State, that has been protested for non-payment, and to make an immediate demand from such ex-officers, agents, trustees or other persons, banks, corporations or companies, for the amounts respectively found due from each, and in case of failure or refusal to pay the same, to make out a certified copy of the amount due from such ex-officers, agents, trustees, person or persons, bank corporations or companies so failing or refusing to pay, and to place the same in the hands of the Attorney General, who is hereby instructed to bring suit for the recovery of the same without delay.

Which was read, and

On motion,

Referred to the committee on the judiciary.

Mr. Stanley, from the committee on county and township business, made the following report:

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 177, in relation to removal of county seats, have, in obedience to the instructions of the House, made the following amendments to said bill, to-wit:

Insert after the word "county," in third line of third page, the following words:

Sec —. This act shall not be taken as a repeal of any of the provisions of an act entitled "an act supplemental to an act entitled, "an act to provide for the re-location of county seats, and for the erection of county buildings in case of such re-location," approved March 2, 1855, so as to provide for the re-location of



county seats and for the erection and preservation of county buildings in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a court-house, and when a deed has been executed, to provide also for the transfer of any equitable title for the termination of action growing out of such re-location, and for the transfer of the former county property," approved December, 1858.

The report was concurred in and the amendment adopted.

The amendments were then ordered to be engrossed.

Mr. Hunter moved to suspend the order of business and take up House bill No. 247.

Which was not agreed to.

Mr. Rynerson, from the committee on agriculture, made the following report:

**MR. SPEAKER:**

The committee on agriculture to whom have been referred various memorials and resolutions on the subject of colleges for the mechanic arts and agriculture, having made me report on the subject, desire to submit to the House a copy of a bill now pending in Congress, and the evidence in their possession that it will pass into a law. We also submit to the House the following bills, as intended to carry into effect said act if it should become a law.

No. 333. A bill accepting on the part of the State of Indiana, of lands donated to said State, in an act of Congress donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts, and providing for a notice of the same being given by the Governor of the State to the Secretary of the Interior.

Was read a first time and passed to a second reading.

No. 334. A bill defining the duties of the Auditor and Treasurer of State in the management and safe keeping of a trust arising from a donation of lands by the Congress of the United States for maintaining of colleges of agricultural and mechanic arts, and providing for the election of a board of regents for the government of such institution, and defining their powers and duties.

Was read a first time and passed to a second reading.

Mr. Mansfield, from the committee on education, made the following report:

**MR. SPEAKER:**

The committee on education to whom was referred a petition



from the citizens of Sullivan county, saying that the common school fund of the State of Indiana has been appropriated by the officers of State without authority of law, to purposes foreign to its object, and praying that the State may return that fund; and further praying that the fund be divided among the counties according to the number of children therein, and subject to the control of the county officers, as other school funds belonging to those counties, have directed me to report that the committee presume that the petitioners have intended by the words "school fund," to refer to the \$186,000 now due by the State to the common school fund, and they have directed me to say that the committee on ways and means is providing for the re-payment of that sum in the year 1861, when it will be applied to school purposes, as required by law.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Black, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred House bill No. 287, being a bill fixing the times of holding courts in the Eleventh Judicial Circuit, and prescribing the length thereof in each county thereof, have had the same under consideration and have directed me to report the same back to the House and recommend that the same be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

Mr. Sherman, from a select committee, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 310, have had the same under consideration, and have directed me report the same back recommending the amendment of section third by inserting in the fourth line thereof, after the word "paid," the words "in advance," and when so amended to recommend its passage.

Which was concurred in, and the bill, as amended, ordered to be engrossed.

Mr. Ritter, from a select committee, made the following report :

MR. SPEAKER :

The special committee, to whom was referred House bill No.

312, "a bill to prohibit unqualified persons from practicing the science of medicine and surgery, and the pharmaceutical art," have had the same under consideration, and report the same back and recommend that it be laid upon the table.

Which was concurred in.

Mr. Dobbins, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 304, "a bill supplementary to an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852," have had the same under consideration, and have directed me to strike out all after the enacting clause and insert the following, and when so amended they recommend its passage :

That the first section of an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852, which is in the following words: "That any number of persons may form themselves into a corporation for the purpose of constructing or owning a plank, McAdamized or gravel road, by complying with the following requirements: They shall write in articles of association setting forth the name which they assume, the line of the route, and the place to and from which it is proposed to construct the road, the amount of capital stock, and the number of shares into which it is divided, the names and places of residence of the subscribers, and the amount of stock taken by each shall be subscribed to said articles of association; whenever the stock subscribed amounts to the sum of five hundred dollars per mile of the proposed road, copies of the articles of associations shall be filed in the office of the recorder of each county through which the road is to pass, and shall from that time be a corporation, known by the name assumed in its association," be, and the same is hereby amended to read as follows, to wit :

*Be it enacted by the General Assembly of the State of Indiana,* That any number of persons may form themselves into a corporation for the purpose of constructing or owning plank, McAdamized, gravel, clay and dirt roads, by complying with the following requirements: They shall unite in articles of association, setting forth the name which they assume, the line of the route, and the place to and from which it is proposed to construct the road, the amount of capital stock, and the number of shares into which it is divided, the names and places of residence of the subscribers, and the amount of stock taken by each shall be subscribed to said articles of associations; whenever the stock subscribed amounts to the sum of five hundred dollars per mile of the proposed road,



copies of the articles of association shall be filed in the office of the recorder of each county through which the road is to pass, and shall from that time be a corporation, known by the name assumed in its articles of association.

Sec. 2. In the opinion of this General Assembly there is an emergency for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Carr, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 314, "a bill to repeal the seventy-third section of an act entitled 'an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,'" have had the same under consideration, and have instructed me to report favorably and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Cavins, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 125, "a bill to prevent persons from riding, leading or driving any kind of animal or animals upon the track or embankment of railroads, or driving wagons or carriages thereon, except as therein provided, and prescribing punishment for violations thereof," with instructions to amend, have had the same under consideration, and directed me to report the same back to the House, with the following amendments, and when so amended to recommend its passage.

In section first, eighth line, insert after "highways" the words "or private roads."

In section two, first line, insert after "road" the word "company."

In section two, seventeenth line, insert after "highways" the words "or private roads." Strike out the word "road" and insert in lieu thereof the words "railroad companies."

Amend section 1 by adding the following :

*Provided, however,* That nothing herein contained shall in any



manner prohibit or effect the right of farmers living on or owning land through which any railroad passes, or persons in their employ, from crossing and re-crossing when necessarily engaged in the ordinary business connected with their farms.

The report was concurred in, the amendments adopted, and the bill, as amended, ordered to be engrossed.

Mr. Stiles obtained leave and made the following report from the committee on corporations:

**MR. SPEAKER:**

The committee on corporations, to whom was referred House bill No. 269, entitled "a bill concerning enclosures, trespassing animals, fences enclosing railroads connecting therewith, and on the land of any railroad company," have considered the same and directed me to report it back with the following amendment, and when so amended recommend its passage:

Amend as follows:

Strike out in the 13th and 14th lines of the first section the following words, viz: "Building such fence and for."

In the 17th line add after the word "enclosure," the following words:

*Provided*, That whenever any fence shall be destroyed by fire from any locomotive the same shall be rebuilt at the expense of the railroad owning such locomotive.

The report was concurred in and the amendments adopted.

Mr. Stanfield moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 269 was read a time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Boyd, Branham, Cavins, Clayton, Clements, Colgrove, Collier, Davisson, Davis, Devol, Eastham, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Wayne, Harney, Harrison, Hartley, Jefferis, Johnston, Kempf, Lawhead, Lewis, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Ritter, Sherman, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Summers, Tebbs, Treadway, Whetzel, Whiteman and Mr. Speaker—  
50.

*Those who voted in the negative were,*

Messrs. Austin, Black, Bowman, Boxley, Brotherton, Carr, Clark, Claypool, Comstock, Cotton, Dobbins, Dougherty, Durham, Early, Griffin, Hall of Rush, Hamilton of Boone, Hunter, Jones, Jordan, Keefer, Kelly, McLain, Major, Massey, Murray, Parks, Robinson, Row, Rynerson, Scott, Shields, Shull, Sullivan, Thompson of Elkhart, Thompson of Madison, Usrey, Waterman, Wheeler, Wildman and Wood—43.

So the bill failed for want of a constitutional majority.

Mr. Edwards moved that the bill be recommitted to a select committee of five with the following instructions: Add this proviso:

*Provided*, That where any railroad runs through any enclosure the company owning such railroad shall build the fence through such enclosure, and maintain the same at their own expense.

Which was agreed to.

The Speaker appointed Messrs. Edwards, Branham, Parrett, Jefferis and Gregory said committee.

Mr. Dougherty, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 321, entitled "an act regulating the rates of exchange chargeable in certain cases herein named, and declaring it usury to take or charge exchange contrary to the provisions thereof, by any bank, individual or corporation," have had the same under consideration, and have unanimously instructed me to report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Clements, from a select committee, made the following report.

MR. SPEAKER:

The select committee to whom was referred House bill No. 313, "a bill fixing the salaries of the trustees of the Wabash and Erie Canal," have had the same under consideration, and have instructed me to report the bill back to the House, without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.



Mr. Martin, from a select committee, made the following report :

MR. SPEAKER :

The committee of one from each judicial circuit, to whom was referred Senate bill No. 102, with instructions, have had the same under consideration, and direct me to report said bill back to the House and recommend that the same be amended by striking out all from the words, "be amended to read as follows," and insert the following, and when so amended to recommend its passage :

For the purpose of electing judges for the court of common pleas the State shall be divided into districts as follows: Posey, Vanderburgh, Warrick and Gibson shall be a district; Knox, Daviess, Pike and Martin, a district; Spencer, Perry, Dubois, Crawford and Orange, a district; Harrison, Floyd, Washington, Clark and Scott, a district; Jefferson, Switzerland, Ohio, Ripley and Dearborn, a district; Franklin, Fayette, Union and Wayne, a district; Jackson, Jennings, Bartholomew and Lawrence, a district; Morgan, Johnson, Shelby, Brown and Monroe, a district; Green, Clay, Owen and Putnam, a district; Vigo, Parke and Sullivan, a district; Rush, Henry, Hancock, Madison and Decatur, a district; Marion, Hendricks and Boone, a district; Montgomery, Vermillion, Fountain and Warren, a district; Hamilton, Tipton, Clinton, Howard and Grant, a district; Tippecanoe, Benton, White and Carroll, a district; Lake, Porter, Jasper, Starke and Pulaski, a district; Laporte, St. Joseph, Marshall and Elkhart, a district; Randolph, Delaware, Jay and Blackford, a district; Lagrange, Steuben, Dekalb, Noble and Whitley, a district; Allen, Adams, Huntington and Wells, a district; Cass, Miami, Fulton, Kosciusko and Wabash, a district, in each of which districts there shall be elected a common pleas judge, on the second Tuesday in October, A. D., 1860, and every fourth year thereafter.

Sec. 2. The annual salary of the judges of the court of common pleas shall be one thousand dollars.

Sec. 3. The court of common pleas shall sit at the court house of the proper county, and shall be held three terms a year, beginning with the first Monday in January annually, and then the first Monday of every fourth month thereafter; *Provided*, That if the circuit court of said county shall be in session at the time, the common pleas shall be held on the Monday succeeding the term of the circuit court.

Sec. 4. Sections twenty-nine and thirty-eight of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," be, and the same is hereby repealed.

Sec. 5. Nothing in this act shall be so construed as to prevent the judges now acting from serving as such in the districts in which



they were elected respectively, nor shall sections two, three and four of this act take effect and be in force until the judges elected at said October election in 1860 shall be commissioned and qualified.

The report was concurred in and the amendments adopted.

The amendments were then ordered to be engrossed, and the bill passed to a third reading.

Mr. Martin moved that the amendments be considered as engrossed and the bill read a third time now.

Which was agreed to.

Senate bill No. 102 was read a third time.

Mr. Shull moved that the bill be re committed with instructions to amend section — by striking out "one thousand" and inserting "five hundred."

Mr. Austin moved to amend the instructions by striking out "five hundred" and inserting "twelve hundred dollars" in lieu thereof.

Mr. Murray moved the previous question.

Which was not seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Austin, It was not agreed to.

The question being on the motion of Mr. Shull.

Mr. Davis demanded a division of the question,

Which was ordered.

The question being on the motion to recommit,

It was not agreed to.

The question then being, shall Senate bill No. 102 pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jordan,

Keefer, Kelly, Kempf, McLain, Massey, Merrifield, Miller, Murray, Martin, Nelson, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel, White-man, Wildman, Wood and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Austin, Black, Claypool, Colgrove, Edwards, Gifford, Harney, Hartley, Jones, Knowlton, Lawhead, Lewis, Major, Mansfield, Mellett, Nebeker of Vermillion, Nebeker of Warren, Newton, Power, Shockley, Shull, Snyder, Stanley, Thompson of Madison and Turpie—26.

So the bill passed.

Mr. Stanfield moved to amend the title as follows, to-wit: "and repealing sections twenty-nine and thirty-eight of said act."

Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Edwards, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 269, with instructions to amend as follows, have discharged that duty, and report the same back, and when so amended recommend its passage.

Amend as follows, by adding to the first section:

*Provided*, That where any railroad runs through any enclosure the company owning such railroad shall build the fence through such enclosure and maintain the same at their own proper expense.

The report was concurred in, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Boyd, Branham, Cavins, Clayton, Clements, Collier, Cotton, Davisson, Davis, Eastham, Edwards, For-dyce, Gifford, Gregory, Hall of Grant, Hamilton of Wayne, Harney, Harrison, Jefferis, Johnston, Kempf, Lawhead, McLain, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of

Warren, Nelson, Prosser, Ritter, Rynerson, Sherman, Smith of Miami, Stanfield, Stiles, Treadway, Whetzel and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Austin, Black, Bowman, Boxley, Brotherton, Carr, Clark, Comstock, Dobbins, Dougherty, Devol, Early, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Lewis, Major, Massey, Merrifield, Murray, Newton, Parks, Power, Robinson, Row, Scott, Shields, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wildman and Wood—50.

So the bill failed.

Mr. Stanfield obtained leave and offered the following resolution:

*Resolved*, That a select committee of one from each of the district named in the bill reducing the number of common pleas districts be appointed for the purpose of preparing and reporting to this House a bill fixing the time of holding courts in said district.

Which was agreed to.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bill:

House bill No. 131. An act to secure dues from private corporations, and to extend their immunities to all citizens who may organize on the same terms.

#### ORDERS OF THE DAY.

#### *House Bills on Third Reading.*

No. 122. A bill to authorize the holders of unauthorized paper currency to sue for and recover from persons who have issued the same as for money had and received, without making previous holders parties to the suits, and making such currency evidence of the indebtedness;

Was read a third time, and



The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Carr, Cavins, Clark, Clayton, Clements, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Hali of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. Baird, Brotherton, Griffin, Newton and Stanfield—5.

So the bill passed,

*Ordered, That the Clerk inform the Senate thereof.*

House bill No. 30 was taken up, and

On motion by Mr. Davis,  
Was laid on the table.

House bill No. 132 was taken up, and

On motion by Mr. Clements,  
Was laid on the table.

No. 133. A bill to authorize county auditors to collect moneys belonging to the common school fund by suit or otherwise, and providing compensation for his services; also to provide punishment for a failure to perform any duties required therein.

Was read a third time.

On motion by Mr. Boyd,

All that portion of the bill relating to the imprisonment of county auditors was stricken out by unanimous consent.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Branham, Carr, Cavins,

Clark, Clayton, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Parrett, Power, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Sullivan, Summeis, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—81.

No person voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Shields,  
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Sullivan obtained leave and offered the following resolution:

*Resolved*, That the Door-keeper of this House be instructed to remove immediately the paling placed across the lobbies of the same.

Mr. Murray moved a call of the House.  
Which was ordered.

The Clerk proceeded with the call and the following members answered to their names:

Messrs. Austin, Blythe, Bowman, Boxley, Branham, Brother-ton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove,

Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—85.

On motion by Mr. Murray,  
The further call of the House was dispensed with.

Mr. Cavins moved to lay the resolution on the table.

Messrs. Scott and Colgrove demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Carr, Cavins, Claypool, Comstock, Davis, Devol, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hunter, Jefferis, Lewis, Merrifield, Miller, Murray, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Smith of Perry, Stanfield, Stiles, Thompson of Elkhart, Treadway, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—37.

*Those who voted in the negative were*

Messrs. Blythe, Bowman, Boyd, Clark, Clayton, Clements, Colgrove, Dobbins, Dougherty, Early, Firestone, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Lawhead, McLain, Massey, Nebeker of Warren, Nelson, Newton, Prosser, Shull, Sullivan, Summers, Tebbs, Thompson of Madison and Wood—30.

So the motion prevailed.

Mr. Shields obtained leave and offered the following resolution :

*Resolved*, That the vote on the resolution to recall House bill No. 147 from the Senate be re-considered, and that the bill be returned to the Senate.

Which was agreed to.



No. 176. A bill to amend section nineteen of chapter one of an act entitled "an act to revise, simplify and abridge the rules, practice and pleadings in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Bianham, Brotherton, Claypool, Clayton, Colgrove, Collier, Davisson, Davis, Dobbins, Dougherty, Devol, Firestone, Fordyce, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Keefer, Lewis, Major, Mansfield, Miller, Murray, Martin, Nebeker of Warren, Newton, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Whetzel, Whiteman, Wildman and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Blythe, Boyd, Cavins, Gifford, Hancock, Hartley, Johnston, Jones, Jordan, Kempf, McLain, Nelson, Waterman, Wheeler and Wood—15.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

The Speaker appointed the following select committee under the resolution of Mr. Stanfield, heretofore adopted:

17. Stanfield—Laporte, St. Joseph and Marshall.
1. Blythe—Posey, Vanderburgh, Warrick and Gibson.
2. Clements—Knox, Daviess, Pike and Martin.
3. Jones—Spencer, Perry, Dubois, Crawford and Orange.
4. Davis—Harrison, Floyd, Washington, Clark and Scott.
5. Gregory—Jefferson, Switzerland, Ohio, Ripley and Dearborn.
6. Austin—Franklin, Fayette, Union and Wayne.
7. Collier—Jackson, Jennings, Bartholomew and Lawrence.
8. Hunter—Morgan, Johnson, Shelby, Brown and Monroe.
9. Martin—Greene, Clay, Owen and Putnam.

10. Baird—Vigo, Park and Sullivan.
11. Mellett—Rush, Henry, Hancock, Madison and Decatur.
12. Hamilton—Marion, Hendricks and Boone.
13. Montgomery—Vermillion, Fountain and Warren.
14. Harrison—Hamilton, Tipton, Clinton, Howard and Grant.
15. Turpie—Tippecanoe, Benton, White and Carroll.
16. Merrifield—Lake, Porter, Jasper, Starke and Pulaski.
18. Colgrove—Randolph, Delaware, Jay and Blackford.
19. Wildman—Lagrange, Steuben, Dekalb, Noble and Whitley.
20. McLain—Allen, Adams, Huntington and Wells.
21. Knowlton—Cass, Miami, Fulton, Kosciusko and Wabash.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bill of the House without amendment, viz:

House bill No. 195. A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of the public moneys.

No. 165. A bill to amend the eighteenth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Martin, Nebeker of Vermillion, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Wood—81.

*Those who voted in the negative were,*

Messrs. Harney, Hunter, Jefferis, Murray, Nelson, Newton, Watterman and Mr. Speaker—8.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 149. A bill amendatory of “an act concerning the partition of lands,” approved May 20, 1852, to amend sections eleventh and eight thereof.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were*

Messrs. Black, Blythe, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Wood—77.

*Those who voted in the negative were,*

Messrs. Clark, Harney and Shields—3.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 186. A bill to amend section 103 of an act entitled “an act to revise, simplify and abridge the rules, practice, pleading and forms in criminal actions in the courts of this State, approved June 17, 1852.

Was read a third time.

Mr. Davis moved that the bill be re-committed to the judiciary committee with the following instruction :

To so amend that none but the regular prosecuting attorney may make the concluding argument.



Mr. Collier moved that the motion to re-commit and instruction be laid on the table.

Messrs. Davis and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Boxley, Carr, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Dougherty, Durham, Devol, Early, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Johnston, Keefer, Kelly, Lawhead, McLain, Major, Mellett, Miller, Murray, Nebeker of Warren, Newton, Prosser, Ritter, Robinson, Row, Ryner, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanley, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Austin, Black, Blythe, Branham, Brotherton, Clements, Colgrove, Davis, Dobbins, Edwards, Firestone, Fordyce, Hancock, Hunter, Jefferis, Jones, Jordan, Knowlton, Lewis, Mansfield, Massey, Merrifield, Martin, Nebeker of Vermillion, Nelson, Parks, Parrett, Scott, Snyder, Stiles, Sullivan, Summers and Wood—33.

So the motion prevailed.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Boyd, Boxley, Branham, Carr, Cavins, Clark, Claypool, Collier, Comstock, Cotton, Dougherty, Devol, Early, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Harrison, Johnston, Keefer, Kelly, Knowlton, Lawhead, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Warren, Newton, Prosser, Ritter, Robinson, Row, Ryner, Scott, Sherman, Shockley, Stanley, Tebbs, Thompson of Madison, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—53,

*Those who voted in the negative were*

Messrs. Black, Blythe, Brotherton, Clayton, Clements, Colgrove, Davis, Dobbins, Durham, Eastham, Edwards, Firestone, Hancock, Hartley, Hunter, Jefferis, Jones, Jordan, Lewis, McLain, Massey, Merrifield, Martin, Nebeker of Vermillion, Nelson,

Parks, Parrett, Shields, Shull, Smith of Miami, Snyder, Stiles, Sullivan, Summers, Usrey, Wheeler and Wood—37.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

The Speaker was granted leave of absence until to-morrow morning, and Mr. Edwards was called to the Chair.

No. 174. A bill to cause an enumeration to be made of all the white inhabitants over the age of twenty-one years in the State of Indiana in the year 1859; to prescribe the powers and duties of the officers in taking such enumeration, and the manner in which they shall severally exercise the same, and to authorize compensation to be made to such officers for services.

Was read a third time, and

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Brotherton, Cavins, Claypool, Clayton, Colgrove, Collier, Comstock, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Harrison, Jefferis, Jones, Miller, Martin, Newton, Parks, Prosser, Shull and Stiles—35.

*Those who voted in the negative were,*

Messrs. Bowman, Branham, Clark, Durham, Griffin, Hall of Grant, Hartley, Hunter, Johnston, Jordan, Keefer, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parrett, Robinson, Row, Rynerson, Scott, Shields, Shockley, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Wood—43.

So the bill failed to pass.

No. 77. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, and to repeal all laws conflicting therewith.

Was read a third time.

Mr. Hall of Rush moved that the bill be re-committed to the committee on roads with the following instructions :

Strike out "twenty cents" where it occurs as the amount which may be assessed as a ward tax for one year, and insert "twelve cents."

Also, provide that no person shall be compelled to work more than four days in any one year as personal privilege.

Mr. Murray moved to lay the amendment on the table.  
Which was agreed to.

Mr. Rynerson moved to recommit the bill to the committee on roads with instructions to inquire into the expediency of making the following amendments to the bill:

Strike out section three and insert the following :

When there shall be a failure to elect a supervisor for any district, and in case a vacancy shall occur in said office from any cause, the township trustee of the township in which such district is situated shall appoint such supervisor as soon as he is informed of such failure or vacancy, who shall hold his office until the next annual election, and when an appointment of supervisor is made by such trustee he shall make out a notice thereof and deliver the same to a constable of such township within three days after such appointment, and such constable shall serve the same on the person appointed, and make return thereof to such trustee within seven days thereafter, but any person may be exempt from serving as such supervisor by paying the township trustee the sum of six dollars, and in such case the vacancy shall be filled as hereinbefore provided; *Provided, however,* That no person shall be compelled to serve oftener than once in four years.

Strike out all of section four after the fifteenth line and insert the following:

Any person liable to perform highway labor who shall fail to accept the office of supervisor in his district, and to qualify and serve as such, when duly elected or appointed, or to pay the sum in the next preceding section specified as commutation therefor, within twenty days after his appointment or election shall forfeit the sum of six dollars, to be recovered before any justice of the peace of the township for the benefit of the township in which such district is situate, and in case of such failure the township trustee shall bring suit for such penalty in the name of such township, and in case of recovery of such penalty it shall be paid to the trustee of such township.

Amend section nine by striking out of said section the words "into the treasury," and insert the following, "to the township trustee."



Amend section twenty by striking out the following :

"Order the payments of such sum by the township treasurer to each supervisor of the township as," and insert instead thereof the following: "Pay to each supervisor such sums of money as he may consider."

Strike out the whole of section 26.

And wherever the word "trustees" occurs in this bill the word "trustee" shall be inserted instead.

And, also, wherever the words "clerk or treasurer" occurs it shall be replaced by the word "trustee."

Mr. Boyd offered the following additional instructions :

"To strike all that relates to assessing a tax."

Mr. Murray moved to lay the motion to recommit and proposed instructions on the table.

Which was agreed to.

Mr. Knowlton moved the previous question,

Which was seconded.

The question being shall the main question be now put ?

It was so ordered.

The question being on laying the motion to recommit with instructions on the table.

It was agreed to.

Mr. Clements moved to reconsider the vote ordering the previous question.

Which was agreed to.

Mr. Robinson moved to reconsider the vote ordering the bill to be engrossed.

Which was agreed to.

Mr. Robinson moved that the bill be recommitted to the committee on roads.

Mr. Shull moved to lay the motion to recommit on the table.

Which was agreed to.

Mr. Massey moved to amend the bill as set forth in the proposed amendments contained in the foregoing instructions offered by Mr. Rynerson, and laid on the table.

Which was agreed to.

The bill, as amended, was ordered to be engrossed.

Mr. Prosser moved that the bill, as amended, be considered as engrossed and put on its passage.

Which was agreed to.

The vote then being taken on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Blythe, Carr, Clark, Claypool, Clayton, Clements, Comstock, Dobbins, Dougherty, Devol, Early, Eastham, Fordyce, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Johnston, Jones, Keefer, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Prosser, Ritter, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Perry, Stanfield, Stiles, Sullivan, Summers, Thompson of Madison, Treadway, Wheeler, Whetzel and Wood—56.

*Those who voted in the negative, were,*

Messrs. Austin, Bowman, Boyd, Boxley, Brotherton, Cavins, Colgrove, Collier, Cotton, Davisson, Davis, Durham, Gifford, Hall of Rush, Hartley, Jefferis, Jordan, McLain, Martin, Parks, Robinson, Row, Shields, Smith of Miami, Snyder, Stanley, Tebbs, Thompson of Elkhart, Usrey, Waterman, Wildman and White-man—32.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Durham,  
The House adjourned till 7 o'clock, P. M.

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7 o'clock, P. M.

The House met.

#### HOUSE BILLS ON SECOND READING.

No. 324. A bill to declare the stream of Laughery creek a nav-

igable one from its confluence with the Ohio river to the town of Hartford in Ohio county ;

Was read a second time, and

On motion by Mr. Gregory,

Referred to a select committee of three.

The Speaker appointed Messrs Gregory, Durham and Hartley said committee.

No. 325. A bill to fix the time of holding the Cass court of common pleas;

Was read a second time, and,

On motion,

Ordered to be engrossed.

#### MESSAGES FROM THE SENATE.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER ;

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, viz :

Senate bill No. 255. A bill to provide for the application of any surplus that may remain in the hands of the Auditor of State after the redemption of the circulation of any bank or banking association, when such bank or banking association has received on deposit money belong to the State and has failed to pay the same.

In which the concurrence of the House is respectfully requested.

Senate bill No. 255, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof :

Senate bill No. 212. A bill granting permission to the Trustees of the Wabash and Erie Canal to rent or lease the same, and matters properly connected therewith.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 212, contained in the foregoing message, was read a first time and passed to a second reading.



A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof:

Senate bill No. 82. A bill to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

No. 79. A bill to extend the time of payment to purchasers of saline and school lands.

Senate bill No. 2. A bill providing for the time and manner of electing United States Senators.

No. 103. A bill to prohibit the collection of tolls on gravel, turnpike, McAdamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent herewith.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 2, 79, 82, and 103, contained in the foregoing message, were severally read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senath bill No. 38. A bill to enable industrious indigent persons who are unable to give security, to rent lands and to secure the payment of rent.

In which the concurrence of the House is respectfully requested.

Senate bill No. 38, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof:

Senate bill No. 46. A bill to amend section four of an act to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana. Also,

No. 55. A bill to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." Also,

No. 62. A bill for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of lands granted by the United States for the use of said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto. Also,

No. 64. A bill to render public officers competent to testify in actions brought on their relation in the name of the State, and to permit the defendant to testify in the same case. Also,

No. 67. A bill requiring the superintendents of the several asylums to report the number of patients who are the offspring of parents married within the degrees of consanguinity. Also,

No. 68. A bill to amend the ninth section of an act entitled "an act providing for the election of clerks of the circuit court, and prescribing some of their duties," approved June 7, 1852. Also,

No. 73. A bill to provide for the collection of taxes assessed against lands and lots mortgaged to secure loans made by the sinking fund, surplus revenue fund, saline fund, congressional township fund, seminary fund, college, and any other public or trust fund, to prevent loss of the security held by said funds, and to repeal the eighth section of chapter six of Revised Statutes of 1852.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 68, 46, 55, 64, 67 and 73, contained in the foregoing message, were severally read a first time and passed to a second reading.

Mr. Black obtained leave and introduced the following petition:

A petition from sundry citizens of Carroll county on the subject of a claim therein set forth, praying for the enactment of a law relative thereto.

Which was,

On motion,

Referred to the committee on claims.

A message from the Senate by Mr. Vawter, their Secretary.

I am directed by the Senate to inform the House that the Senate has passed the following bills thereof:

No. 41. A bill to separate the law books from the State Library, and constituting the same as the law library of the State of Indiana, and for the management and government of the same, and repealing conflicting laws.

No. 58. A bill to amend the fourteenth section of an act entitled "an act for the government of the insane of Indiana," approved January 15, 1852.

No. 17. A bill to amend the eighteen section of an act entitled "an act concerning real property and the alienation thereof."

No. 78. A bill to amend the sixteenth section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.

No. 81. A bill fixing the compensation of executors and administrators, and to repeal section 148 of chapter 10, Vol 2, Revised Statutes of 1852.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 41, 58, 77, 78 and 81, contained in the foregoing message, were severally read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

Senate bill No. 87. A bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein, and to amend the fifteenth section of "an act to establish a Bank with branches," passed the



Senate and House on the 3d day of March, A. D., 1855, the Governor's objections to the contrary notwithstanding.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 187, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the Senate:

No. 101. A bill to authorize county treasurers to assess property which may be omitted by the assessors, and to legalize assessments heretofore made by treasurers.

Senate bill No. 134. A bill providing for the assessment of taxes for township library purposes.

In which the concurrence of the House is respectfully requested.

Senate bills No. 101 and 134, contained in the foregoing message,

Was read a first time and passed to a second reading.

Message from the Senate, by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

Senate bill No. 251. A bill supplemental to an act entitled "an act fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length thereof in each county thereof," approved January, 1859. Also,

Senate bill No. 45. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State, and matters properly connected therewith, and to repeal all laws in conflict with this act.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bills No. 251 and No. 45, contained in the foregoing message,

Were severally read a first time and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

No. 320. A bill declaring it to be a misdemeanor to obstruct any street or alley in any incorporated town, and prescribing the penalty therefor ;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 323. A bill authorizing married women over eighteen and under twenty-one years of age, to unite with the husband in conveying or mortgaging his real estate, with the approval of a guardian, where the wife has neither father or mother residing in this State.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 331. A bill to amend an act entitled an act to amend the second section of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, so as to authorize the formation of ferry companies," approved February 17, 1857 ;

Was read a second time and ordered to be engrossed.

No. 293. A bill fixing the time and mode of electing State Printer, defining his duties, fixing his compensation, and repealing all laws coming in conflict with this act ;

Was taken up, and

On motion,

Referred to the committee on fees and salaries.

No. 318. A bill amending section twelve of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 21, 1855 ;

Was read a second time.

Mr. Hamilton of Boone moved to refer the bill to the committee on fees and salaries with the following instructions:

Refer to the committee on fees and salaries with instructions to raise the fees one hundred per cent.

Which was not agreed to.

The bill was then ordered to be engrossed.

Mr. Murray moved to re-consider the vote referring House bill No. 293 to the committee on fees and salaries.

Which was not agreed to.

No. 319. A bill to enable forwarding and commission merchants, common carriers, and consignees to enforce liens on property unclaimed,

Was read a second time and ordered to be engrossed.

No. 322. A bill authorizing the State Board of Agriculture to make a geological reconnoissance of the State, to make collections and analysis of specimens, and making appropriations therefor.

Was read a second time.

Mr. Rynerson moved to refer the bill to a select committee of three.

Which was agreed to.

The Speaker appointed Messrs. Rynerson, Smith of Perry and Smith of Miami said committee.

No. 326. A bill to regulate the mode of providing county officers with blank books and stationery, and prescribing penalties for receiving fees as agent or attorney in certain cases.

Was read a second time, and

On motion,

Referred to the committee on public expenditures.

No. 327. A bill to amend section seven of an act entitled "an act to incorporate the Ohio and Indianapolis Railroad Company," approved January 20, 1846, so as to change the number of directors;

Was read a second time.

Mr. Carr moved to refer the bill to a select committee of five.

The Speaker appointed Messrs. Carr, Nebeker of Warren, Stanfield, Davis and Devol said committee.

No. 328. A bill to amend the 143d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852;

Was read a second time, and

On motion,

Ordered to be engrossed.



House bill No. 329. A bill requiring engineers to stop their locomotives and trains, running on any railroad, at each passenger station, there to remain without motion while persons are getting on and off the trains, and prescribing punishment for the violations thereof ;

Was read a second time.

Mr. Clements moved to amend by inserting "two minutes."

Mr. Stanfield moved to refer the bill and pending amendment to the committee on the judiciary.

Which was agreed to.

No. 330. A bill to accept the proposition of Congress in relation to Agricultural Colleges, to select land and a suitable site for the location of the college, and making an appropriation therefor ;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Brotherton, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House No. 29 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Ritter obtained leave and made the following report from the committee on public expenditures :

MR. SPEAKER :

The committee on public expenditures to whom was referred House bill No. 297 "a bill to provide for the erection of a building for the officers of State," have had the same under consideration, and report the same back with the following amendments :

Amend, on second page and fifth line, after the word "plan," insert the words "and specifications."

After the word "Costigan," in the sixth line, insert the words "and now on file in the office of the Secretary of State," and when so amended would recommend its passage.

The report was concurred in, and the amendments adopted and the bill ordered to be engrossed.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 203. A bill to provide for the election of trus-

tees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers ;

Was read a second time.

Mr. Clements moved to refer the bill to a select committee of three.

Which was not agreed to.

Mr. Turpie moved to refer the bill to the committee on the judiciary.

Mr. Mellett moved to amend by referring the bill to the committee on benevolent institutions.

Mr. Mellett moved the previous question.

Which was seconded.

The question being shall the main question be now put ?

It was so ordered.

The question being on the motion to refer the bill to the committee on benevolent institutions.

It was agreed to.

No. 207. A bill relative to the salaries of the judges of the supreme and circuit courts, and of prosecuting attorneys in the several judicial circuits of this State.

Was read a second time and passed to a third reading.

Senate bill No. 240. A bill to authorize justices of the peace within their respective counties, to administer oaths generally and to legalize such as may have been administered in good faith and without fraud since the 6th day of May, A. D., 1853.

Was read a second time and passed to a third reading.

Senate bill No. 51. A bill for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people.

Was read a second time, and

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

Senate bill No. 50. A bill to amend the sixteenth section of an act entitled "an act concerning the partition of lands," approved May 20, 1852.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

The Speaker laid before the House the following communication from the Auditor of State :

H. J.—53.

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, February 22, 1859. }

HON. J. W. GORDON.

*Speaker of the House of Representatives :*

In reply to a resolution of the House calling upon this Department in regard to certain lots belonging to the State of Indiana, lying west of the Canal and within the city of Indianapolis, I have the honor to state that there is a part of the military reservation lying south of the Cross Cut Canal and fronting on Market street, 839½ feet, depth from Market street to the Canal, 115 feet.

As the constitution does not prohibit the sale of this part of the reservation, I respectfully suggest that authority be granted to this Department to divide the same into lots of suitable size, to be sold at public sale.

There is also yet unsold the south-west corner of block No. 50, of the original plat of the city of Indianapolis, lying east of West street, and 120 feet deep to the bank of the Cross Cut Canal, to sell which it is also necessary that authority be given by the Legislature.

These lots in their present situation are totally unproductive to the State and are not suitable for public use, and if sold will probably realize to the State from six to eight thousand dollars.

Respectfully,

JOHN W. DODD,

*Auditor of State.*

Mr. Smith of Perry obtained leave and introduced House bill

No. 335. A bill to authorize the sale of certain lots in the town of Indianapolis.

Which was read a first time and passed to a second reading.

On motion by Mr. Sullivan,  
The House adjourned until to-morrow morning, 9 o'clock.



SATURDAY MORNING, 9 O'CLOCK, }  
February 26, 1859. }

The House met.

On motion by Mr. Hamilton of Boone,  
The reading of the journal was dispensed with.

Mr. Hamilton of Boone moved to suspend the order of business and take up Senate bill No. 13 and commit the same to the committee on swamp lands.

Which was agreed to.

Mr. Branham moved a suspension of the order of business to take up Senate bill No. 255 on its second reading.

Which was agreed to.

Senate bill No. 255. A bill to provide for the application of any surplus that may remain in the hands of the Auditor of State after the redemption of the circulation of any bank or banking association, where such bank or banking association has received on deposit money belonging to the State and has failed to pay the same.

Was read a second time, and passed to a third reading.

Mr. Branham moved that the rules be suspended and the bill be read a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—78.

No one voting in the negative.

So the rule was suspended.

The bill was then read a third time, and the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—79.

No one voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Colgrove moved to suspend the order of business and take up Senate bill No. 25.

Which was agreed to.

Senate bill No. 25. A bill for the investment, distribution and safe keeping of the funds arising from the 113th and 114th sections of an act establishing a State Bank, approved January 25th, 1834, and providing for the purchase of bank bonds, and prescribing the duties of certain officers therein named.

Was taken up and read a second time.

Mr. Colgrove moved to amend the bill by striking out all after the enacting clause and inserting the following, to-wit:

That from and after the first day of January, A. D. 1866, the fund known as the sinking fund, created by the 113th section of an act entitled "an act establishing a State Bank," approved January 2, 1831, which shall remain on hand after the outstanding bonds of the State, known as bank bonds, and all incidental expenses shall have been fully paid and redeemed, shall be distributed among the several counties of this State for common school purposes, in the manner hereinafter provided.



Sec. 2. It shall be the duty of the said board to convert all bonds, notes, mortgages, acceptances, bills of exchange, or other choses in action or property, of any description whatever, into money on or before the time anticipated for said distribution.

Sec. 3. Said fund, when so distributed among the several counties of this State, shall belong to said counties for common school purposes, and in all respects shall be governed by the laws of this State in the same manner and subject to the same rules and regulations as the congressional township funds are: *Provided, however,* That the principal shall always be a permanent fund, and the interest remain as arising annually thereon, shall be applied to and used for school purposes.

Sec. 4. In order that the foregoing provisions of this act may be carried into effect by the time specified in the first section of this act, it shall be the duty of said board of sinking fund commissioners hereafter in making loans of said fund, to make the same fall due in time that the same may be collected on or before the — day of January, A. D. 1866, and all loans hereafter made shall be collected on or before that time, and said board shall have power to extend the time of borrowers of said fund on loans hereafter made or hereafter to be made, with a view to the ultimate liquidation and collection of the same on or before the time above specified.

Sec. 5. The president and board of sinking fund commissioners, with the assistance of the Auditor of State, shall distribute said fund among the several counties of the State *pro rata*, giving to each county her proportion according to the number of children listed in each county, which dividend shall be based upon the report of the Superintendent of Public Instruction, made for the year, A. D. 1860.

Sec. 6. So soon as said dividend shall be struck, it shall be the duty of the Auditor of State to notify the auditor of each county of the amount of said fund his county is entitled to, who shall forthwith issue his warrant authorizing the treasurer of his county to receive the amount due such county from said sinking fund commissioners.

Sec. 7. It shall be the duty of the president and board of sinking fund commissioners to pay to the treasurers of the several counties of this State the amount due their respective counties upon the production of the warrant of the auditor of the county, as provided for in this act, taking the necessary voucher therefor.

Sec. 8. Before any county treasurer shall receive the money or any part thereof that may belong to his county, under the provisions of this act, he shall file an additional bond with surities, to be approved by the board doing county business in his county, in double the amount to be received by him.

Sec. 9. Hereafter and until said fund shall be distributed under the provisions of this act, the interest arising from said fund after the payment of the interest upon the bank bonds, and all incidental expenses, shall be applied and used as hereinafter provided.



Sec. 10. It shall be the duty of said board of sinking fund commissioners annually, after the payment of the interest on the bank bonds and other incidental expenses, to set apart the balance of the interest arising from said fund, for common school purposes, and shall divide the same *pro rata* among the several counties of this State. Such dividend shall be based upon the preceding report of the Superintendent of Public Instruction, giving to each county her distributive share in proportion to the number of children listed in such county.

Sec. 11. The board of sinking fund commissioners, immediately after such dividend is struck, shall notify the auditor of each county of the amount due their respective counties, and shall pay the same to the treasurers of the said counties upon the warrant of the auditor, taking the necessary vouchers therefor, which amount shall be used by the several counties in this State as other school funds are.

Sec. 12. All moneys that may remain on hand at any time and in the hands of the board of sinking fund commissioners, and not required to pay the interest on the State bonds, known as bank bonds, and other expenses, or for loaning, or the redemption of the bank bonds pursuant to the provisions of this act, may be deposited in any good solvent bank, which deposit shall be upon interest. Said deposit shall be payable upon demand, and the same shall be kept on deposit as aforesaid until the same is needed to pay interest on the outstanding bank bonds, or for the redemption of the bank bonds, or for loaning to borrowers, or to be distributed under the provisions of this act. *Provided*, That nothing in this act shall be so construed as to authorize the said board of sinking fund commissioners to appropriate or use in any manner or for any purpose whatever any interest arising from said fund, except for the purpose of paying the interest on the outstanding bank bonds, and the necessary expenses of said board of sinking fund commissioners, and for the use of common school purposes, according to the provisions of this act. *And provided further*, That said board shall not deposit any money belonging to said fund in any bank until such bank shall have first filed a bond with good and approved securities to the acceptance of said board, for the return of said money deposited, with interest upon demand, which interest, when so paid, shall belong to and constitute a part of said sinking fund.

Sec. 13. All laws and parts of laws now in force, made for the government of and pertaining to said sinking fund, and defining the duties of its officers and assistants, made for the government of the old board of sinking fund commissioners and its officers, and not inconsistent with the provisions of this act, are hereby declared to be in force, and the present board of sinking fund commissioners and officers and assistants shall, in all respects, be governed by the same in the management of the said fund.

Mr. Mansfield moved to refer the bill and pending amendment to a select committee of five.

Mr. Dougherty moved to indefinitely postpone the bill and proposed amendment.

Mr. Parrett moved to lay the motion to indefinitely postpone on the table.

Messrs. Dougherty and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boxley, Carr, Cavins, Clark, Clayton, Colgrove, Davis, Dobbins, Durham, Early, Edwards, Firestone, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Ritter, Row, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Whetzel, Wheeler, Whiteman, Wildman and Wood—65.

*Those who voted in the negative were,*

Messrs. Boyd, Branham, Brotherton, Collier, Comstock, Davisson, Dougherty, Devol, Eastham, Fordyce, Gifford, Griffin, Harney, Harrison, Major, Mansfield, Parks, Prosser, Robinson, Shockley, Treadway and Turpie—23.

So the motion to indefinitely postpone was laid on the table.

The question being on the motion to refer to a select committee of five.

Mr. Cavins moved the previous question  
Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.

The question being on referring the bill to a select committee.  
It was not agreed to.

Mr. Dobbins moved to lay the amendment on the table.

Messrs. Colgrove and Jefferis demanded the ayes and noes.



*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Claypool, Collier, Dobbins, Dougherty, Durham, Eastham, Firestone, Gregory, Hall of Rush, Hancock, Hartley, Hunter, Jones, Jordan. Keefer, Kempf, Lawhead, Lewis, Martin, Massey, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Robinson, Shockley, Shull, Snyder, Stanfield, Stiles, Summers, Tebbs, Thompson of Madison, Treadway, Wheeler, Wildman and Wood—50.

*Those who voted in the negative were,*

Messrs. Branham, Clark, Colgrove, Comstock, Cotton, Davisson, Davis, Devol, Early, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Jefferis, Johnston, McLain, Major, Mansfield, Mellett, Ritter, Row, Rynerson, Scott, Smith of Miami, Sullivan, Thompson of Elkhart, Turpie, Whetzel and Whiteman—34.

So the amendment was laid on the table.

Mr. Prosser moved that the rule be suspended and the bill read a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boxley, Carr, Cavins, Claypool, Clayton, Colgrove, Collier, Davis, Dobbins, Durham, Early, Eastham, Firestone, Fordyce, Gregory, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Prosser, Scott, Sherman, Shields, Shockley, Shull, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Waterman, Wheeler, Whetzel, Wildman and Wood—66.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Branham, Brotherton, Clark, Comstock, Cotton, Davisson, Dougherty, Devol, Edwards, Griffin, Hamilton of Boone, Harney, Keefer, Major, Mansfield, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynerson, Smith of Miami, Treadway, Turpie and Whiteman—27.

So the rule was suspended.



Senate bill No. 25 was read a third time.

Mr. Colgrove moved the previous question.  
Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boxley, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Davisson, Davis, Dobbins, Durham, Early, Firestone, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parrett, Prosser, Ritter, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Waterman, Wheeler, Whiteman, Wildman and Wood—68.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Branham, Brotherton, Cotton, Dougherty, Devol, Edwards, Fordyce, Griffin, Harney, Major, Mansfield, Martin, Nebeker of Warren, Parks, Robinson, Row, Sherman, Treadway, Turpie, Whetzel and Mr. Speaker—23.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Governor, by Mr. Osbourne, executive messenger.

**MR. SPEAKER:**

I am directed by the Governor to inform the House that he has approved and signed the following bill:

Senate bill No. 255. An act to provide for the application of any surplus that may remain in the hands of the Auditor of State after the redemption of the circulation of any bank or banking association, where such bank or banking association has received on deposit money belonging to the State and has failed to pay the same.

Mr. Cavins moved to suspend the order of business and take up bills on third reading.

Which was agreed to.

#### HOUSE BILLS ON THIRD READING.

House bill No. 295. A bill to provide for the erection of an additional State Prison, and making an appropriation therefor, and making it a felony to violate certain provisions thereof, and prescribing punishment therefor;

Was read a third time.

Mr. Stiles moved the previous question.

Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Boxley, Clark, Claypool, Collier, Comstock, Dobbins, Eastham, Edwards, Firestone,, Gifford, Griffin, Hall of Grant, Hall of Rush, Harney, Harrison, Jones, Kelly, Lawhead, McLain, Merrifield, Murray, Newton, Parks, Robinson, Row, Scott, Sherman, Shuli, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Turpie, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—44.

*Those who voted in the negative were*

Messrs. Boyd, Branham, Brotherton, Cavins, Clayton, Dougherty, Durham, Devol, Fordyce, Gregory, Hancock, Hartley, Hunter, Johnston, Jordan, Kempf, Lewis, Major, Massey, Mellett, Martin, Nebeker of Vermillion, Nelson, Ritter, Rynerson, Shields, Shockley, Smith of Perry, Sullivan, Summers and Wood—31.

So the bill failed for want of a constitutional majority.

On motion by Mr. Durham,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

Mr. Scott, from the committee on fees and salaries, obtained leave and made the following report:

MR. SPEAKER:

The committee on fees and salaries to whom was referred House bill No. 193, "an act relative to salaries of public officers, and providing the time of paying the same, and the manner of reimbursing the State for an increase of salaries," have had the same under consideration and directed me to report the same back to the House and recommend the following amendments to the same, and when so amended recommend its passage:

*First*, Strike out of the fourth specification of the first section the words "fifteen hundred" and insert "two thousand."

*Second*, Strike out the fifth and eighth specifications of said section.

*Third*, Strike from the eighth specification the words "five hundred" and insert "thirteen hundred."

*Fourth*, Strike out from the eighteenth specification the words "eight hundred" and insert "one thousand," and add to said section the words, "from and after the first day of November, 1860."

*Fifth*, Amend the twentieth specification of said section so that the same shall read as follows: "The Auditor of State is hereby authorized to employ three clerks at a salary not exceeding eight hundred dollars each; the Treasurer of State one clerk at a salary not exceeding eight hundred dollars, and the Secretary of State one clerk at a salary not exceeding six hundred dollars per annum."

*Sixth*, Strike from the second section the word "physician" and insert "officers."

*Seventh*, Strike out the 4th, 5th, 6th, 7th, 8th and 9th sections.

Mr. Edwards moved that the bill and report be re-committed to the committee on ways and means.

Which was agreed to.

Mr. Firestone obtained leave and presented

A petition signed by sundry citizens of Huntington county in regard to the Wabash and Erie Canal.

Which,

On motion,

Was referred to the committee on claims.



Mr. Rynerson obtained leave and made the following report from the committee on agriculture :

MR. SPEAKER :

The committee on agriculture to whom was referred a memorial from the State Board of Agriculture, asking for a thorough geological survey of the State, including accurate analyses of the soil, and full chemical investigations of the nature and extent of its ores and coals, have considered the same and submit the following :

Your committee concur with the memorialists in regard to the necessity of a geological survey. In doing so we are aware of the opposition which we may encounter. Objections are urged against such explorations because it is proposed to employ science in directing the energies of the miner and agriculturalist. To this we answer there is no trade or profession, no department of business in mechanics, manufactures or navigation that have not had their labors lessened, their success advanced and their profits increased by the application of science.

It meets opposition also on the grounds of economy. This objection we propose to notice in the course of this report.

In the prosecution of a survey of this nature the experience of the best men known to science would be brought into requisition ; men who have carefully examined the strata and crusts of the earth with the pickaxe in one hand and a constellation of science in the other. It is known to all perhaps, that the various ores, coals and superior qualities of stone lie in strata beyond ordinary observation. Individual efforts to discover and point them out would be impracticable, if not impossible.

It is the peculiar province of the geologist, under the direction of the State, to define the position and extent of each stratum of coal or ore. When the locality, quality, extent and thickness of coal or ore are determined and the crust to be penetrated is ascertained, geology has achieved much. Capitalists then have data upon which to base calculations, to determine whether profitable investments can be made. Capital is now accumulating in eastern cities as well as in Europe, and only awaits an opportunity for investment. If our coal and iron regions were explored and their productiveness demonstrated, the presumption is clear that millions now beyond our borders would soon enter into our commercial circles and send a healthy circulation through the arteries of our trade.

Previous to a geological survey in Pennsylvania, mining in that State was unprofitable, and often ruinous. Since the survey has demonstrated the locality of her ore and coal, capitalists have freely invested their means, and the product of her coal mines alone has increased steadily at the rate of 1,000,000 tons per annum. In one county alone the coal rents amounts to \$600,000 per annum. In England, where heavier expenditures have been employed in surveys, the benefits have been a hundred dollars for

every one expended in such exploration. That country raises annually more than \$100,000,000 worth of raw material from her mines, and her iron product could supply the markets of the world. Taking the results of surveys in other States as data, a geological survey would very much increase the taxables of the State. It is estimated on good authority that real estate was increased in value in Tennessee, by her geological survey, to the amount of \$10,000,000. In North Carolina, where but little was expected from a survey, the amount annually added to her revenues was more than five times the cost of the survey.

To the railroads of our State great advantage would also accrue. As our forests are fast melting away we should look well to the only substitute for railroad, as well as other motive power. As articles of freight also on our railroads, both coal and iron are to be viewed as of much importance.

Besides the effect that such a survey would have upon the general prosperity of our country, it would be a subject of just pride that we were not unmindful of our true position or wealth. As it is now we cannot but feel degraded, while we enrich England and our sister States, by purchasing the products of their mines and letting our own lie unworked and unexplored.

Such survey, including a chemical analysis of the soil at various points, would tend directly to the elevation of the agricultural interests of the country. The cultivation of the soil should be associated with a familiar knowledge of the laws and elements of matter with which the agriculturalist has to do. It is of the highest importance that the great business of our country, which employs nearly all of its capital and labor, should be invested with every aid within the control of the State. The art of agriculture is emphatically a chemical art. The connexion between agriculture and chemistry is a natural connexion, and should be maintained. Already we are familiar with the remark that our lands are less fertile than formerly.

The stumps of our forests have scarcely disappeared until it is ascertained that our soils are wearing out. What does this mean? Is it really so? Is it not more probable that we have but exhausted some of the elements of the soil, which chemistry, properly applied, would teach us to replace.

Every change which the soil undergoes in the process of exhaustion, is a chemical change. By a proper application of this science every loss sustained by the soil may be estimated and the remedy suggested. For example, the inorganic elements entering into a crop of wheat are potash, soda, lime, oxide of iron, &c. If these be removed from the soil by frequent wheat crossings, the ground is rendered unfit for raising that grain. Now chemistry determines the presence of these or any other ingredients of the soil, and its fitness for the production of any grain crop, either in a natural state or after the soil has been subjected to improper tillage.



It is estimated by the best farmers that our soils are undergoing an annual decrease of twenty five cents per acre. Admitting this to be extravagant for the sake of the argument, and say the tillable land is losing in fertility only ten cents an acre per annum, we sustain there a loss from this cause, on our 5,000,000 of acres, \$500,000 per annum, an amount equal to the interest at six per cent. of over \$8,000,000. But could the soil thus wearing out be benefitted by a geological survey equal to the amount named.

In answering this question we are not left to theory and abstract reasoning alone. We appeal to facts. New York was an old State, her soil was worn out and she had but little new to come in. She spent \$130,000 for a thorough geological survey. The reports of this survey gave a fresh and mighty impulse to her agriculture. Her farmers commenced an improved system of culture, which has resulted in the increase of her annual crop to the amount of \$50,000,000.

Even if only one-tenth of this increase was the result of the survey, still it was a great victory for science in the State of Maine. Twenty years since her soils were not well understood, and she really had no staple products of grain. The State made a liberal geological survey and analysis of her soil. The effect was beyond the expectation of its most sanguine friends. Lands which had been cultivated with much hesitation and uncertainty, were demonstrated to have a large capacity for wheat growing, and that interest, previously unimportant, soon became one of great and paramount consideration. It is impossible to conceive of the impulse thus given to the farming interests of that State by that means.

In Massachusetts, North and South Carolina, and in every other State where surveys have been made, agriculture has received an impulse and advantage which clearly indicate the wisdom and necessity of such survey in our noble State.

Admitting that our lands could be benefitted to the extent of one cent per acre per annum in their proceedings, it would reach the aggregate of \$50,000 per annum, equal to the annual interest on \$500,000. We forbear treating in detail upon the effects of such exploration in determining the character of subsoils, in reference to the utility of deep plowing, under-ground ditching, &c., as these will suggest themselves to every man's reflection. Nor do we suppose that the full results of such survey will be immediate. It is the province of great truths and brilliant discoveries to stimulate to action latent influences which may reflect in a thousand different directions in favor of our common humanity.

Professor Mather, speaking in reference to the benefits of a survey of this character to the interests of Ohio, says: "It will apprise land owners of the resources in mineral wealth, of which many are ignorant. It will indicate the best means of searching for minerals, and of recognizing them when found. It will diffuse various kinds of knowledge necessary in mining our *metallurgic* operating. It would attract public attention to the mineral wealth



of the State and cause an influx of population and capital. It will benefit the agricultural interest by making known the locality of fertilizers—by making known the qualities and composition of soils, by increasing business and making more home demand for agricultural products. I know of no reason why all of these advantages may not arise to Indiana from a geological survey. Still it is not denied that the earth would reward the laborer even without the aid of science. But that agriculture should attain to its true dignity, that our soils may yield abundantly, and yet retain their pristine vigor, it is important that an era ushered in which will give full employment to mind as well as muscle.

Shall *that calling*, which is the basis of our national wealth—a calling by which Egypt fed the world, which employed the energies of Cincinnatus, and without which the world would cease to thrive, go uncared for and unfostered by legislation?"

Mr. Dobbins moved that the report be laid on the table and five hundred copies printed for the use of the House.

Which was agreed to.

Mr. Rynerson, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 322, "a bill authorizing the State Board of Agriculture to make a geological reconnoissance of the State, to make collections and analysis of specimens, and making appropriations therefor," have had the same under consideration and have directed me to report the bill back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Smith of Perry moved to reconsider the vote taken on laying the report of the committee on agriculture on the table and printing five hundred copies.

Which was agreed to.

The question then recurring on the motion;  
It was agreed to.

#### HOUSE BILLS ON THIRD READING.

No. 222. A bill to amend section forty-two of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges

thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Clayton, Claypool, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shull, Smith of Perry, Snyder, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Waterman, Wheeler, Whiteman, Wildman and Wood—  
73.

No one voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 223. A bill to amend section one of an act entitled "an act to provide for the selection and empanneling of petit jurors in the courts of common pleas, and providing compensation therefor," being supplemental to an act entitled "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852, approved March 1, 1853, so as to prescribe the time when said jurors shall be empanneled.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Massey, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shull, Smith of Perry, Snyder, Stanfield, Sullivan, Summers, Tebbs,

Thompson of Elkhart, Treadway, Turpie, Waterman, Wheeler, Whiteman, Wildman and Wood—67.

*Those who voted in the negative were,*

Messrs. Mellett and Merrifield—2.

So the bill passed.

Mr. Cavins moved to amend the title as follows, to wit :

An act to provide for the return of the jury in the common pleas court at third day of the term.

Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Gregory, from a select committee, obtained leave and made the following report :

MR. SPEAKER :

The select committee on House bill No. 324, "a bill to declare the stream of Laughery creek a navigable one from its confluence with the Ohio river to the town of Hartford in Ohio county," have had the same under consideration and directed me to report it back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Gregory moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 324 was read a third time, and the question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Davisson, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Firestone, For-  
dyce, Gifford, Gregory, Griffin, Hall of Grant, Harrison, Hartley, Hunter, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Newton, Parks, Parrett, Ritter, Robinson, Rynerson, Scott, Sherman, Shull, Smith of Perry, Snyder, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Waterman, Wheeler, Whiteman, Wildman and Wood—60.



*Those who voted in the negative were,*

Messrs. Hamilton of Boone, Harney, Keefer, McLain, Nebeker of Vermillion, Nebeker of Warren, Nelson, Prosser, Row and Stanfield—10.

So the bill passed.

*Ordered* that the Clerk inform the Senate thereof.

#### SENATE BILLS ON SECOND READING.

No. 41. A bill to separate the law books from the State Library, and constituting the same as the law library of the State of Indiana, and for the management and government of the same, and repealing conflicting laws.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 62. A bill for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of lands granted by the United States for the use of said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto.

Was read a second time, and

On motion by Mr. Turpie,

Referred to a select committee of five.

No. 67. A bill requiring the superintendents of the several asylums to report the number of patients who are the offspring of parents married within the degrees of consanguinity.

Was read a second time and passed to a third reading.

No. 64. A bill to render public officers competent to testify in actions brought on their relation in the name of the State, and to permit the defendant to testify in the same case.

Was read a second time and passed to a third reading.

Mr. Nelson obtained leave and made the following report from the committee on the rights and privileges of the inhabitants of this State :

MR. SPEAKER :

The committee on rights and privileges to whom was referred House bill No. 308, " a bill to encourage the better protection of sheep," have had the same under consideration and have instructed

me to report the same back and recommend that it be laid upon the table.

The report was not concurred in.

On motion by Mr. Sherman,  
The House adjourned until Monday morning 9 o'clock, A. M.

MONDAY MORNING, 9 o'clock, A. M. }  
February 28, 1859. }

The House met.

On motion by Mr. Murray,  
The reading of the journal was dispensed with.

Mr. Murray moved to suspend the order of business and take up message from the Senate containing House bill No. 93.

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate insists on the engrossed amendments to which the House has disagreed to

House bill No. 93. A bill to amend the 6th section, and the third clause of the 7th section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852.

The question being on insisting on the refusal to concur in the sixth and eighth amendments of the Senate;

It was agreed to.

A committee of free conference was appointed on the part of the House.

The Speaker appointed Messrs. Colgrove, Murray and Blythe said committee.

The Speaker appointed Messrs. Turpie, Edwards, Stanfield, Davis and Hunter a select committee on Senate bill No. 62.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Stanfield, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred Senate bill No. 142, a bill to amend the 6th, 8th and 14th sections of an act entitled "an act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto," approved December 21, 1858; defining the duties of appraisers, deputy appraisers and the Auditor of State, with the pending amendments thereto, have had the same under consideration, and have directed me to report the same back and recommend that the House strike out all said pending amendments, and the committee recommend in lieu thereof the following, to-wit:

Strike out of the amendment section six all after the word "situation" in the 35th line, and insert the following:

The railroad companies of this State shall, on or before the first Monday in April, 1859, furnish to the appraisers of each county through which their respective roads may run, a written statement of the length of line in his county, also a written schedule of the number and description of all the rolling machinery of such company, or used by it upon such road in doing the business thereof, and the value of the same, in which shall be apportioned to each mile of said road the value of said rolling machinery; said schedule and statement to be verified by the superintendent or manager of such road.

The appraisers of the counties through which any road may run, (provided it passes through more than one,) shall, on the second Monday in April, 1859, meet at such point on the line of such road as may be designated by the State Auditor, or in case he fails to designate such point, then at such point as may be agreed upon by such appraisers, and then appraise the value of said road per mile through their respective counties, including in that valuation the value of all the rolling machinery aforesaid, depots, depot grounds and machine shops.

In making such estimate of the value of such road, the appraisers shall take into consideration, in addition to the rule prescribed for the valuation of real estate, the location of such road for business, the competition of other roads, its earnings above current ex-



penses and repairs, its condition for present and future business, so as to enable them to arrive at the actual present value of such road, independent of what it cost or its present indebtedness.

And also the following amendment, and when so amended recommend its passage :

SEC. 2. "Section 7. The appraisers shall call upon each and every person resident in his county for a list of all lands and town in-lots and out-lots, owned by such person or persons lying within his county, which may be subject to taxation, which list shall particularly set forth the names of the owner or owners, the number of acres of land in each particular tract, lot, section or sub-division thereof, the range, township, section, quarter-section, tract, lot or part thereof, or the number of the entry, location or survey and water course, as the nature of the general or particular survey may require ; and if the same cannot be described by the congressional survey, then it shall be described by metes and bounds, so as to designate and identify the same, and in the French or English grants and in Clark's grant, shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of this act, the number of the entry, water course, and the name of the original proprietor; also all in-lots or out-lots owned or held as aforesaid, with the number thereof, as described in the recorded plat of said lot or part thereof, if it has been sub-divided, which statement shall be made out by the person assessed or by the appraiser from information given by such person, and shall be signed by the person making it ;"

Be and the same is hereby amended to read as follows :

SEC. 7. The appraisers shall call upon each and every person resident in his county for a list of all lands and town in-lots and out-lots owned by such person or persons, lying within his county, which may be subject to taxation, which lists shall set forth in general terms the names of the owner or owners, the number of acres of land in each particular tract, lot, section or sub-division thereof, the range, township, section, quarter-section, tract, lot or part thereof, or the number of the entry, location or survey, and water course, as the nature of the general or particular survey may require ; and in the French and English grants or Clark's grant, shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of this act, the number of the entry, water course, and the name of the original proprietor ; also all in-lots or out-lots owned or held as aforesaid, with the number thereof, as described in the recorded plat of said town, or part thereof, if it has been sub-divided, which statement shall be made out by the person assessed, or by the appraiser from information given by such person, and shall be signed by the person making it.

Section 13 of said act, which reads as follows, to-wit :

"Sec. 13. Each appraiser shall, on or before the first Monday of May next, after his appointment or election, make out and deliver to the auditor of his county, a return, by civil townships, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor, of the amount, description and value of all the real estate subject to be listed for taxation in his county, which return shall contain;

*First*, The names, arranged in alphabetical order, of the several persons, companies or corporations, in whose name the several parcels of real estate in each township within his county shall have been listed, and in appropriate columns opposite each name, the description of each parcel of such real estate listed in such name, and the value of each separate parcel of such real property, as determined by the appraiser from real view.

*Second*, The names, arranged in alphabetical order, of the several persons, companies or corporations in whose name the several parcels of real property in any town or towns in his county shall have been listed, and in the appropriate columns opposite each name the description of each parcel of real property in each town in his county and the value thereof as determined by the appraiser, as above specified, and such return shall distinctly set forth the name or names of the owner or owners of each separate parcel of real property if known, and if unknown, that fact shall be set forth; also a correct and pertinent description of each separate parcel of land or real property; if a town lot, or a part thereof, the name of the town, the number or other designation of the lot, and if a part of such lot, then the proportion and situation thereof and the extent in feet along the principal street on which it shall abut. If the parcel of real property be other than a town lot, or a parcel thereof, the number of acres, the range of township, the number of sections, tract, lot or sub-division of either, as the case may require. If such land be situated in the French or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof contained in each separate parcel so listed; and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts or surveys, then the statement shall set forth as nearly as may be, the number of acres taken from each section, lot, tract or survey included in each parcel; "

Be and the same is hereby amended to read as follows :

SEC. 13. Each appraiser shall on or before the fourth Monday of May next, after his appointment or election, make out and deliver to the auditor of his county a return by civil townships, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor, of the amount, description and value of all the real estate subject to be listed for taxation in his county, which return shall contain;

*First*, The names arranged in alphabetical order of the several



persons, companies or corporations in whose name the several parcels of real estate in each township within his county shall have been listed, and in appropriate columns opposite each name, the description in manner as hereinafter required, of each parcel of such real estate listed in such name, and the value of each separate parcel of such real property, as determined by the appraisers from actual view.

*Second*, The names arranged in alphabetical order of the several persons, companies or corporations in whose names the several parcels of real property in any town or towns in his county shall have been listed, and in the appropriate columns opposite each name a description as hereinafter set forth of each parcel of real property in each town in his county, and the value thereof as determined by the appraisers as above specified, and such return shall distinctly set forth the name or names of the owner or owners of each separate parcel of real property if known, and if unknown that fact shall be set forth: also a description of each separate parcel of land or real property in the following manner: If a town lot or part thereof, the name of the town, the number or other designation of the lot, and if a part of such lot then the proportion and situation thereof, and the extent in feet along the principal street on which it shall abut. If the parcel of real property be other than a town lot, or a parcel thereof, the number of acres, the range of township, the number of township, the number of sections, tract, lot or sub-division of either, or other general designation of any sub-division, if there be no number, as the case may require. If such land be situated in the French or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof contained in each separate parcel so listed; and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts or surveys, then the statement shall set forth as nearly as may be, the number of acres taken from each section, lot, tract or survey included in each parcel.

The report was concurred in and the amendments adopted.

The amendments were ordered to be engrossed.

Mr. Stanfield moved that the amendments be considered as engrossed and the bill read a third time now.

Which was agreed to.

Senate bill No. 142 was then read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Colgrove,



Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Row, Scott, Shull, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Waterman, Wheeler, Whiteman, Wildman, Wood and Mr. Speaker—74.

Messrs. Baird and Ritter voting in the negative.

So the bill passed.

Mr. Austin moved to amend the title by inserting the "seventh and thirteenth sections."

Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Parrett, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 323, entitled "a bill authorizing married women over eighteen and under twenty-one years of age, to unite with the husband in conveying or mortgaging his real estate, with the approval of a guardian, where the wife has neither father or mother residing in this State," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Parrett moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 323 was then read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards,

Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Bcone, Hancock, Harney, Harrison, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shull, Smith of Perry, Stanfield, Stiles, Sullivan, Summers, Waterman, Wheeler, Whiteman, Wildman and Wood—67.

*Those who voted in the negative were,*

Messrs. Johnston, Parks, Robinson, Snyder, Tebbs, Treadway, and Mr. Speaker—7.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Colgrove, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred Senate bill No. 16; "A bill to amend the first section of "an act to amend the first section of an act entitled 'an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and ledgerdemain,' approved June 15, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers," approved March 7, 1857," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill passed to a third reading,

Mr. Colgrove, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No. 50, a bill to amend the sixteenth section of an act entitled "an act concerning the partition of lands," approved May 20, 1852, have had the same under consideration and instruct me to report the same back to this House, recommending its passage.

The report was concurred in and the bill passed to a third reading.

Mr. Mellett, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 320, " a bill declaring it to be a misdemeanor to obstruct any street or alley in any unincorporated town, and prescribing the penalty therefor ; " have had the same under consideration and instruct me to report back to this House that in the opinion of your committee legislation on the subject is inexpedient, your committee would therefore recommend that the same be laid upon the table.

The report was concurred in and the bill laid on the table.

Mr. Mellett, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 317. " A bill to prescribe punishment for the failure of any treasurer, auditor, clerk or recorder of any county in this State to perform the duties required of him by law, " have had the same under consideration and instruct me to report the same back to this House and recommend that it be laid upon the table, inasmuch as in the opinion of your committee legislation on the subject is inexpedient.

The report was concurred in and the bill laid on the table.

Mr. Mellett, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 298, " a bill to provide for laying out and repairing highways upon the line between Indiana and adjoining states, " have had the same under consideration and instruct me to report back to this House that in the opinion of your committee legislation on the subject is inexpedient, they would therefore recommend that the same be laid upon the table.

Mr. Griffin moved to re-commit the bill to a select committee of five.

Which was agreed to.

The Speaker appointed Messrs. Griffin, Edwards, Blythe, Clark and Stanley said committee.



Mr. Stiles, by leave, presented

A petition signed by J. G. Carnahan and many others, praying for the passage of a law, or laws, respecting the qualification of railroad engineers.

On motion by Mr. Stiles,  
The petition was referred to a select committee of five.

The Speaker appointed Messrs. Stiles, Branham, Edwards, Stanfield and Davis said committee.

Mr. Parrett, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred Senate bill No. 36, "A bill to amend the sixth section of an act entitled, "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt certain property therein named from taxation," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill passed to a third reading.

Mr. Parrett, from the same committee, made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House bill No. 315, "A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Stanfield, from the committee on the judiciary, made the following report:

MR SPEAKER:

The committee on the judiciary to whom was referred Senate bill No. 28, "a bill to provide for the safe keeping of the bonds, mortgages and other securities entrusted to the care of certain officers therein mentioned," have had the same under consideration and directed me to report the same back with the following amendment, to-wit:

Insert after section one the following:

Sec. 2. If any officer or other person charged or in any manner entrusted with any money, funds, securities or other property belonging to this State, or belonging to any fund under the control of this State, or under the control of any county or officer thereof, shall convert to his own use or to the use of any other person or persons or corporations in any manner whatever, or shall use by way of investment in any kind of property, or shall loan with or without interest, except as allowed by law, any portion of such money, funds, securities or other property, he shall be deemed guilty of embezzlement, and upon conviction thereof, shall be imprisoned in the State prison not less than one nor more than twenty-one years, and be fined not exceeding double the value of the money or property so embezzled, and any refusal or failure of any such officer or person to pay over or produce any such property, or any failure by such officer or person when required by law, shall be held *prima facie* evidence of such embezzlement, and it shall be competent and *prima facie* evidence for the purpose of showing a balance against such officer or person to produce a transcript from the books of the State or county treasurer, or from the books of the Auditor of State, or of the county auditor, or the board of county commissioners, showing such balance to be in his hands.

Sec. 3. If the Treasurer of State or the treasurer of any county in this State, or any other officer, shall knowingly make any untrue or false statement in regard to the amount of money on hand in the Treasury of the State of Indiana, or in the treasury of any county in this State, when a statement is required of him by law, he shall be deemed guilty of a felony, and upon conviction shall be imprisoned in the State prison not less than one nor more than fourteen years.

Sec. 4. If the Treasurer of State or any county treasurer shall knowingly accept, receive or seek to be allowed in his favor any warrant or voucher from any creditor in this State, or of any county in this State, without having paid to such creditor in such funds as such treasurer may have received for disbursement, or such other funds as he may be authorized to take in exchange, the full amount speci-

fied in such warrant or voucher, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum equal to the difference between the amount paid and the amount of the warrant or voucher, and be imprisoned in the county jail not less than one nor more than twelve months.

Sec. 5. If the Treasurer of State or treasurer of any county within this State having money belonging to any public funds in his hands shall refuse to pay any warrants drawn on account of such fund, or if any such officer at the end of his official term, or upon his resignation or removal from office, shall fail or refuse to pay or deliver over to the persons authorized to receive the same, all money or other property which by law as such treasurer he is bound to account for and pay over, he shall be deemed guilty of a felony and upon conviction thereof, shall be imprisoned in the State Prison not less than one nor more than fourteen years, and be fined in any sum not exceeding double the value of the money or property so withheld.

Sec. 6. If any officer of State or any county officer, or any other person, shall hinder or attempt to hinder, obstruct or attempt to obstruct any inspection or examination of the Treasury of State, or of any county treasury, by persons authorized to make the examination and inspection, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty and not exceeding one hundred dollars, and be imprisoned in the county prison for three months.

Sec. 7. The provisions of this act shall be construed as cumulative and not as repealing any act providing punishment for similar offenses, and the evidence provided for in the first section of this act shall be competent and have the same effect in trials upon all other offenses named in the act, so far as pertinent and proper.

Also strike out the words "section two," and insert "section eight," and strike out the words "section three," and insert in lieu thereof "section nine," and when so amended they recommend its passage.

The report was concurred in and the amendments adopted.

Mr. Stanfield moved that the amendments be considered as engrossed and read a third time now.

Which was agreed to.

Senate bill No. 28 was then read a third time.

Mr. Miller moved that the vote ordering the bill to a third reading be re-considered.

Which was not agreed to.

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Cotton, Davis, Dobbins, Dougherty, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hancock, Harney, Harrison, Hunter, Johnston, Jones, Jordan, Keefer, Lawhead, Lewis, Major, Mansfield, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shull, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Waterman, Whiteman. Wildman, Wood and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Boxley, Early, Griffin, Hartley, Kelly, McLain, Massey, Miller, Tebbs, Treadway and Wheeler—13.

So the bill passed.

Mr. Stiles moved to reconsider the vote on the passage of the bill.

Mr. Murray moved to lay the motion to re-consider on the table.

Messrs. Merrifield and Baird demanded the ayes and nays.

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Branham, Cavins, Clark, Davis, Dobbins, Dougherty, Devol, Eastham, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Harney, Harrison, Hunter, Johnston, Jones, Keefer, Lewis, Major, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Rynerson, Scott, Smith of Perry, Snyder, Stanfield, Sullivan, Thompson of Elkhart, Waterman, Wildman, Wood and Mr. Speaker—43.

*Those who voted in the negative were*

Messrs. Austin, Baird, Black, Boyd, Boxley, Claypool, Clayton, Cotton, Durham, Early, Firestone, Griffin, Hancock, Hartley, Jordan, Kelly, McLain, Massey, Miller, Nelson, Newton, Ritter, Robinson, Row, Sherman, Shull, Stiles, Summers, Tebbs, Treadway, Turpie, Wheeler and Whiteman—33.

So the motion was laid on the table.

Mr. Stanfield moved to amend the title by adding ;

“Defining certain felonies and misdemeanors and prescribing punishment therefor, and providing for certain evidence on the part of the State.”

Which was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of the bill.

Mr. Stanfield, from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred Senate bill No. 27, “a bill to amend section 63 of an act entitled “an act defining misdemeanors and prescribing punishment therefor,” approved June 14, 1852,” have had the same under consideration and instruct me to report the same back to this House and recommend that it be laid upon the table.

The report was concurred in and the bill laid on the table.

Mr. Stanfield, from the same committee, made the following report :

MR. SPEAKER .

The judiciary committee to whom was referred Senate bill No. 41, “a bill to separate the law books from the State Library and constituting the same as the law library of the State of Indiana, and for the management and government of the same, and repealing conflicting laws,” have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill passed to a third reading.

Mr. Branham, from the committee on ways and means, reported back certain documents from the Department of the Interior, heretofore referred to said committee with the recommendation that they be referred to the committee on public expenditures.

Which was agreed to.

Mr. Mansfield, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education to whom House bill No. 282 was

referred, have had the same under consideration and have recommended the following amendments, and when so amended recommend its passage :

Amend by striking out the first section and inserting in lieu thereof the following :

That whenever hereafter the sinking fund commissioners shall have on hand any funds which by law should be applied to the purchase of bank bonds it shall be lawful for them while so properly holding such funds for such investment, to deposit the same until they can and should be applied to the purposes intended, with some good solvent bank, banker or banking house, payable on demand to the order of the president of said board whenever called for, with the best interest that can be agreed upon.

Amend further by striking out the fourth section.

The report was concurred in and the amendments adopted.

The bill was then ordered to be engrossed.

Mr. Mansfield moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 282 was then read a third time.

Mr. Merrifield moved to recommit with instructions to insert a provision that not more than fifty thousand dollars of the fund shall be deposited with any one banking house.

Mr. Harney moved to lay the motion to re-commit on the table. Which was agreed to.

Mr. Ritter moved the previous question. Which was seconded.

The question being, shall the main question be now put ? It was so ordered.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Colgrove, Cotton, Davisson, Devol, Eastham, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Harney, Harrison, Hunter, Johnston, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton,



Parks, Parrett, Ritter, Robinson, Scott, Sherman, Shull, Smith of Perry, Snyder, Stanfield, Thompson of Elkhart, Waterman, Wheeler, Whiteman, Wildman and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Clayton, Collier, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Massey, Miller, Prosser, Row, Stiles, Sullivan, Summers, Tebbs, Treadway, Turpie and Wood—28.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

The committee on engrossed bills made the following report :

MR. SPEAKER:

The committee on engrossed bills have examined House bill No. 328 and find the same correctly engrossed.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed bill of the House No. 248 and find it correctly engrossed.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bill of the House No. 195 with the engrossed copy thereof, and find the same correctly enrolled.

Message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House bill No. 268, "a bill prescribing the time of holding the courts of common pleas in the several counties therein named," without amendment.

H. J.—55.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House enrolled Senate bill No. 25, "a bill for the investment, distribution and safe keeping of the funds arising from the 113th and 114th sections of an act establishing a State Bank, approved January 28th, 1834, and providing for the purchase of bank bonds, and prescribing the duties of certain officers therein named," for the signature of the Speaker thereof.

Mr. Colgrove, by leave, moved that the vote by which the report of the judiciary committee indefinitely postponing House bill No. 141 was concurred in be re-considered.

Which was agreed to.

The question being on concurring in the report :  
It was not concurred in.

No. 141. A bill to authorize the formation of limited partnerships and fixing the liabilities of the several partners, and prescribing the proceedings against them.

Was taken up and read a third time.

Pending the consideration of which,

On motion by Mr. Stanfield,  
The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met.

The question pending at the adjournment was on the passage of House bill No. 141.

Mr. Edwards moved that the bill be passed over informally for the present.

Which was agreed to.

#### RESOLUTIONS.

Mr. Stanfield obtained leave and offered the following resolution :

*Resolved*, That the judiciary committee be instructed to examine and report to the House the last day upon which bills can be presented to the Governor for approval.

Which was agreed to.

Mr. Branham obtained leave and offered the following resolution :

*Resolved*, That the principal and assistant clerks and door-keepers and the chairman of the committees of the House report to the committee on ways and means the names of all persons employed by them, immediately.

Which was agreed to.

Mr. Snyder obtained leave and offered the following resolution :

*Resolved*, That the committee on claims be instructed to inquire into and report at the proper time, if, in their opinion justice requires it, in favor of an allowance to G. W. Randall for services as sergeant-at-arms of the House of Representatives at the session of 1856-7, in summoning witnesses before committees at said session, and also what sums are due, if any, to witnesses summoned at said session.

Which was agreed to.

House bill No. 141 was then taken up, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Collier, Colgrove, Comstock, Davis, Dobbins, Dougherty, Durham, Eastham, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Parks, Parrett, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Whetzel and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Jones, Newton, Waterman, Wildman and Wood—5.

So the bill passed.



*Ordered*, That the clerk inform the Senate thereof.

REPORTS FROM STANDING COMMITTEES.

Mr. Mansfield, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education to whom was referred House bill No. 283, "a bill amending the thirty-third section of the first chapter of the revised code of 1852, prescribing where suit may be brought in certain cases therein named," have had the same under consideration and have directed me to report it back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Mansfield moved moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

No, 283 was read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davis, Dougherty, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Nelson, Parks, Parrett, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Wildman and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Baird, Cavins, Clements, Dobbins, Durham, Jordan, Keefer, Kelly, Knowlton, Martin, Newton, Prosser, Shull, Sullivan and Whetzel—15.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Harney, from the committee on education, made the following report :

MR. SPEAKER :

The committee to whom was referred House bill No. —, “a bill establishing fees for duties performed in the sinking fund office and in connection therewith,” have had the same under consideration and have directed me to report it back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Harney moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

No. 284 was then read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Martin, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—88.

Mr. Edwards voted in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Robinson, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education to whom was referred House bill

No. —, “a bill authorizing the redemption of lands mortgaged or that may be mortgaged to the sinking fund or other trust funds, and the reinstating of mortgages in certain cases therein named, and to provide a remedy against bidders failing to comply with the terms of sale in cases of lands sold by the sinking fund commissioners,” have had the same under consideration and have directed me to report it back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Robinson moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

No. 285 was then read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clements, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Farly, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—85.

No one voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Parks, from the committee on education, made the following report:

**MR. SPEAKER:**

The committee on education to whom was referred House bill No. 299, entitled “an act to authorize donations to be made to the State by any person or municipal corporation for building or enlarging benevolent institutions, or for the use and benefit of com-



mon schools," have had the same under consideration and have instructed me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Parks moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

No. 299 was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Comstock, Cotton, Davisson, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Johnston, Kempf, Lewis, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Whetzel, Wildman, Whiteman and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Baird, Bowman, Collier, Dobbins, Dougherty, Early, Hartley, Jones, Jordan, Keefer, McLain, Merrifield, Nelson, Prosser, Sullivan, Wheeler and Wood—18.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Blythe moved to reconsider the vote on the passage of House bill No. 253.

Which was agreed to.

The question then being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Black, Bowman, Boyd, Boxley, Branham, Clark, Cotton, Devol, Eastham, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Jordan, Kempf, Mansfield, Miller, Parks, Robinson, Tebbs, Treadway, Waterman, Wildman and Mr. Speaker—24.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Blythe, Boxley, Brotherton, Cavins, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, For-dyce, Gifford, Griffin, Hall of Grant, Hamilton of Boone, Harri-son, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Power, Prosser, Ritter, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stan-ley, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Turpie, Wheeler, Whetzel, Whiteman and Wood—68.

So the bill was lost.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bill of the House No. 268 with the engrossed copy thereof and find the same correctly enrolled.

Mr. Claypool, from the committee on engrossed bills, made the following report:

**MR. SPEAKER :**

The committee on engrossed bills have compared engrossed bills of the House Nos. 318, 319, 297 and 331 with the originals, and find the same correctly engrossed.

Mr. Nelson, from the committee on engrossed bills, made the following report:

**MR. SPEAKER :**

The committee on engrossed bills have compared engrossed bills of the House Nos. 117 and 226 with the originals and find the same correctly engrossed.

Mr. Gifford, from the committee on engrossed bills, made the following report:

**MR. SPEAKER :**

The committee on engrossed bills have compared engrossed bills

of the House Nos. 261, 277, 280, 281 and 292 with the originals and find the same correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate adhere to its amendments to House bill No. 93, "a bill to amend the sixth section and the third clause of the seventh section of an act entitled 'an act regulating the granting of divorces, nullification of marriages and decrees, and orders of courts incident thereto,'" approved May 13, 1852, and have appointed Senators Bennett, March and Heffren a committee on free conference on part of the Senate.

Mr. Hamilton of Boone, from the committee on swamp lands, made the following report:

MR. SPEAKER:

The swamp land committee to whom was referred Senate bill No. 13, a bill to amend certain sections of an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant," approved May 29, 1852, have had the same under consideration and direct me to report the same back with the accompanying amendments, and when so amended recommend its passage.

Strike out all after the enacting clause and insert the following:

That the auditor and treasurer of each county in the State be and are hereby appointed agents on the part of the State to sell the swamp lands lying within the respective counties of which they are auditor and treasurer, and should either of said officers refuse to perform the duties required by this act, it shall be the duty of the Governor to appoint some suitable person or persons to act as such agents in accordance with the provisions of this act.

Sec. 2. It shall be the duty of each treasurer of the different counties in this State, in which any swamp lands may lie, to file in the auditor's office of his county a penal bond in the sum of ten thousand dollars, with five or more freeholders as surities, to be approved by the board of commissioners of his county, conditioned for the faithful performance of his duties as such agents and the payment of all moneys which shall come into his hands on account of the swamp lands, according to law.

Sec 3. It shall be the duty of the Auditor of State, as soon as possible after the State shall receive her patent from the United States for the swamp lands, to cause to be prepared maps or plats



of all the swamp lands lying within the bounds of each county, separately showing the township, range, section and parts of sections, together with the numbers of each, in which said lands may lie, which maps or plats he shall forward to the different county auditors as soon as possible after the completion thereof.

Sec. 4. It shall be the duty of each county auditor of this State immediately after receiving the map or plat of the swamp lands lying within the bounds of his county, to give sixty days notice by notice published in a newspaper of general circulation, printed in Indianapolis, and in a newspaper published in his county, if there be one, if not, in the newspaper published nearest to his county in this State, and to cause printed hand bills of the time, place and terms of the sale of said swamp lands, to be circulated in each and every county adjoining the county of which he is auditor.

Sec. 5. The place of sale for the swamp lands shall be at the court house in each county of this State in which the said lands may be situated, and it shall be the duty of the county auditor to attend at the court house of his county at the time mentioned in the notice of the sale of said swamp lands and offer for sale at public auction, in legal subdivisions, and as near as practicable in half-quarter sections, all the swamp lands lying within his county, and for that purpose shall continue the sale from day to day until all of the said land shall have been offered for sale.

Sec. 6. Each tract of land so offered for sale shall be struck off to the highest bidder therefor for any sum not less than one dollar and twenty-five cents for each acre in the tract.

Sec. 7. The county auditor shall, as soon as convenient, within twenty-four hours after the sale of any tract or tracts of said land, deliver to the purchaser thereof a brief certificate, stating therein the name of the purchaser, the tract or tracts, and the price per acre at which the same was sold, signed by the auditor officially.

Sec. 8. The purchaser of any tract or tracts of land sold by the auditor aforesaid, shall immediately present the certificate given to him by the auditor, as prescribed in the preceding section, to the county treasurer and pay to said treasurer the whole amount of the purchase money for the tract or tracts in said certificate specified.

Sec. 9. On the payment by the purchaser of any tract or tracts of land of the amount of money due therefor, it shall be the duty of the treasurer to give to the purchaser thereof a duplicate receipt, specifying therein the date of the receipt of the money, the name of the purchaser, the amount paid for each acre, the number of acres in the tract or tracts, the county, congressional township, range and section in which the tract or tracts are situated, which receipt shall be in the following form, substantially: "No. — Treasurer's office of — county, in the State of Indiana. Received of — of — county, in the State of —, the sum of — dollars and — cents, being the purchase money for — section, No. —, in township No. —, of range No. —

containing ——— acres and — hundredths of an acre, which entitles the said ——— to a deed from the State of Indiana for said lands on presentation of this certificate to the said treasurer.”

Sec. 10. Said certificates shall bear date on the day on which it is issued, and shall be registered by the treasurer in a book provided for that purpose by entering in said book a correct copy of said certificate.

Sec. 11. Said certificates of entry shall not be assignable, but shall be evidence of title to the land mentioned therein, in the persons in whose names they shall issue, and if by accident the certificate shall be lost or destroyed, the person, or his heirs, in whose name the same shall have been issued, shall be entitled to receive from the treasurer a second duplicate or certificate of purchase for the tract or tracts of land in the original certificate mentioned on making and filing with the treasurer an affidavit of the loss or destruction of the original certificate of purchase, which second certificate shall be a true copy of the original one as recorded in the books of his office, and by the treasurer certified to be such.

Sec. 12. It shall be the duty of the treasurer of each county at the June term of the board of commissioners for 1859, and at each succeeding term thereafter, to make out and lay before the board a full and complete copy of the record of certificates by him issued to purchasers within the preceding three months, which shall be certified by him to be a full, true and perfect transcript of the record of certificates by him issued to purchasers within the preceding three months.

Sec. 13. It shall be the duty of the county auditor of each county in which any swamp lands may be situated, to enter in a book by him provided for that purpose, a brief description of each tract of land purchased, the number of acres contained therein, the price paid for each acre, the name of the purchaser or purchasers, and the date of the purchase.

Sec. 14. It shall be the duty of the boards of commissioners to carefully examine the reports of sales made to them by the county treasurer, as required in section twelve of this act, and upon being satisfied of the correctness of the same, and that the required consideration has been paid for each tract of land mentioned in such report, they shall order the auditor of such county to prepare a deed of conveyance to each of said purchasers, their heirs or assigns, in the name of the State, which deeds of conveyance shall be for any legal sub-division of land sold at any one time, and signed by such auditor officially, and attested by the seal of such board of commissioners, which shall vest in such purchaser an absolute estate in fee simple and shall be delivered to such purchaser upon presentation of the original or certified copy of the original certificate of purchase for the lands mentioned therein.

Sec. 15. The treasurers of the different counties shall keep a separate account of all moneys by them received on account of



sales of swamp lands, and when ditching warrants are received by such treasurers in payment for such lands, accounts shall be kept by them of the number, date, amount, number of ditch, name of payee, assignee, and of whom received.

Sec. 16. It shall be the duty of the county commissioners of each county in this State in which any swamp lands may be situated, to appoint some suitable and competent person in each of their respective counties as commissioner of swamp lands in said county, whose duty it shall be to employ some suitable and practical engineer for the purpose of surveying and ascertaining the best and cheapest and most expeditious method of draining and reclaiming the swamp lands lying within the bounds of this county.

Sec. 17. It shall be the duty of said commissioner and engineer to proceed and examine the different tracts of swamp lands lying within the bounds of the county and make report as soon as possible whether said lands, or any part thereof, are susceptible of being drained and reclaimed, and if so, in what manner the same can be done, together with the estimated expense or cost thereof, the manner in which the drainage shall be done, as to the length, breadth of the ditches, the highth, width and length of dykes or levees necessary to accomplish the same, the number of acres that will be drained, or partially drained, or prevented from being overflowed thereby, and whether such drainage will be permanent and increase the value of real estate generally within the county, as well of the lands drained, one copy of which report shall be filed with the county auditor.

Sec. 18. It shall be the duty of the said commissioner and engineer to prepare plans and specifications of the work to be done at each drain, and give thirty days notice of the time and place, when and where the work will be let, which notice shall be published in a newspaper published in the county, if there be any, otherwise in a newspaper published nearest thereto in this State, and also by printed hand bills posted up in the county, and circulated in the adjoining counties.

Sec. 19. The said commissioner and engineer shall attend at the time and place of letting the work advertised, and let the work to the lowest responsible bidder therefor; *Provided*, That the same shall not be let at a price exceeding the estimated cost thereof.

Sec. 20. The amount of money paid to the county treasurer of the different counties for the sale of swamp lands, shall constitute a special fund for the following purposes, and for no other, to-wit:

*First*, To pay the expenses of the selection thereof under the act of Congress donating them, as ascertained by law.

*Second*, To pay the expenses of preparing maps and plats thereof, the expense of making sale and deeds thereof, and such expenses as may be deemed necessary by the county commissioners of each county for the recovery and preservation of such funds and lands, and for the enforcement of the observance of any contracts for the ditching and reclaiming thereof.



*Third.* To pay the commissioners and engineers for their services as hereinafter provided.

*Fourth.* To pay for the expense of reclaiming by ditching, dyking or the use of other necessary and proper means in so reclaiming the said swamp lands.

Sec. 21. The auditors and treasurers of the different counties who shall act as agents for the sale of swamp lands within their respective counties, shall each receive for their services as such agents the sum of one dollar on each one hundred dollars received within their counties for the sale of swamp lands therein.

Sec. 22. The fund remaining in the treasury of any county after the expenses are paid, as in the three preceding sections specified and provided, shall constitute a portion of and belong to the common school fund of the State as in the constitution provided, and any balance that may be found remaining with any county treasurer upon settlement by him with the board of commissioners shall upon their order to such treasurer be paid to the Treasurer of State.

Sec. 23. It shall be the duty of the auditor and treasurer of each county in this State, before they shall act as agents for the sale of swamp lands within their counties, to take an oath to support the constitution of the United States and of the State of Indiana, and to faithfully, honestly and impartially perform their duties as such agents, according to law, to the best of their ability.

Sec. 24. The oath prescribed in the preceding section shall be taken before some justice of the peace, resident within the county, or before the clerk of the circuit court for the county, who is hereby authorized to administer the oath for that purpose, and filed in the office of the clerk of the circuit court, and by him filed in his office and recorded in the order book of the circuit court for the county.

Sec. 25. The commissioners appointed by the county commissioners in the different counties shall each receive the sum of two dollars for each and every day they may be necessarily employed in and about the duties of their office as herein provided, and the engineers by them respectively employed shall each receive a sum not exceeding three dollars for each and every day by them necessarily employed in their duties as herein provided.

Sec. 26. It shall be the duty of each commissioner appointed by the county commissioners, before he enters on the duties of his office, to give bond with at least four freehold sureties, payable to the State of Indiana in such sum as the board of county commissioners shall direct, and when approved by the said commissioners shall be filed in the office of the county clerk, to also take and file an oath in the clerk's office of the county, as in the two preceding sections specified, and it shall be the duty of the clerk to file and record the same as in said sections specified.

Sec. 27. Whenever any money shall be due to any contractor for work done by him on any contract for the draining of the

swamp lands, the commissioners of the county in which the work shall have been performed, shall give the contractor a certificate, certifying therein the amount of money that may be due and that the person named therein is entitled to receive the same from the swamp land fund for services performed in the draining of said lands.

Sec. 28. The auditor of any county upon presentation to him of any such certificates shall after having fully satisfied himself that the same is just and correct, endorse his approval thereon and state whether the same is payable in cash or land.

Sec. 29. The commissioner, for his own services and the services of the engineer employed by him, shall present to the board of county commissioners an itemized account of the number of days by them respectively occupied in the duties of their officers, specifying therein the number of days by each served, which account shall be verified by oath of each of them appended thereto, to be true and correct, and if said county board be satisfied that said account is correct, they shall allow the same and endorse thereon their said allowance, whether in whole or in part, and on the filing of such account with the auditor of such county it shall be his duty to give to said commissioner or engineer, as the case may be, an order on the treasurer of such county for the amount so allowed by said county board, payable out of the swamp land fund belonging to said county.

Sec. 30. The land remaining unsold after the same shall have been offered at public sale, shall be subject to entry at the sum of one dollar and twenty-five cents per acre by any person applying to enter the same, and for that purpose it shall be the duty of the auditor and treasurer of each county to attend at their respective offices from day to day until the same shall all have been entered.

Sec. 31. In all cases where it shall be necessary in ditching, dyking, or leveeing any of the swamp lands for the purpose of reclaiming them, to cross the lands owned by any person or persons with the ditches, dykes or levees, it shall and may be lawful for the commissioner to enter on the land of such person or persons and thereon construct the necessary ditches, dykes or levees; *Provided*, That before any such work on the lands of any such person shall be commenced, it shall be the duty of the commissioner to obtain from the owner or owners of land a release to the State of all damages that may accrue to such person in consequence of said improvement, and for that purpose the said commissioner is hereby authorized to pay such persons their reasonable damages therefor, or receive contributions and collect the same according to contract to be entered into between the parties in the premises by giving his certificate therefor, as in other cases provided in this act, which certificates, after being examined and approved by the board of commissioners of such county, shall be paid by the treasurer of such county the same as in other cases provided in this act for the payment of moneys from the swamp land fund.



Sec. 32. Whenever it shall be necessary or convenient to continue the ditches, dykes or levees for the purpose of draining the swamp lands from one county into or through any part of an adjoining county, it shall be the duty of the commissioner of the county wishing to so continue the work, whose duty it shall be to attend to the construction thereof in such manner as to carry into effect the work or works connected therewith in the adjoining counties.

Sec. 33. It shall be the duty of the county treasurer of each county to prosecute in the name of the State of Indiana any person or persons who shall commit a trespass on any of the swamp lands by cutting down any tree or trees growing thereon, or removing therefrom any timber, stone or other material to the injury thereof.

Sec. 34. Any person trespassing upon any of the swamp lands contrary to the provisions of section — of this act, shall be adjudged to pay five times the value thereof, and suit may be brought before any justice of the peace of the proper county by action of debt for the recovery thereof.

Sec. 35. It shall be the especial duty of the treasurers in their different counties to take charge of and protect the swamp lands lying within their respective counties, from trespasses to the injury thereof.

Sec. 36. Whenever it may be necessary to continue any ditch, dyke, drain or levee into or through the bounds of any county in which no swamp lands may be situated, the commissioner of the county wishing to so continue the work, shall be and he is hereby authorized and required to enter into and upon the lands lying within such county, and thereupon construct such ditches, dykes, drains or levees as may be necessary.

Sec. 37. It shall be the duty of all commissioners to give previous notice to any and all persons owning lands of the necessity of entering upon their lands to construct the necessary work thereon, which notice shall be in writing and served personally if they are residents of the county, then by public notice in a newspaper printed in the county, if there be one, otherwise in the newspaper printed and published nearest thereto.

Sec. 38. It shall and may be lawful for any county treasurer to receive on payment for any swamp lands entered in such county any order issued by the auditor of his county upon the order of the board of commissioners of such county and made payable in swamp lands within such county, and to pay cash upon any order so issued and made payable in cash out of the swamp land fund of such county.

Sec. 39. All accounts for expenses incurred in the making of the necessary surveys, levels, plats, specifications and estimates, and for hiring necessary assistance and for advertising contracts to be let in any county, shall be presented to the board of commissioners for their allowance or rejection, as may by them be deemed



just, and so much of the same as is allowed shall be paid by the treasurer of such county upon the order of the auditor.

Sec. 40. The auditor and treasurer of each county, in a book kept by each of them for that purpose, shall keep an exact account of all expenses incurred and moneys paid out on account of drainage and all other expenses appertaining to swamp lands within such county.

Sec. 41. No money of any amount whatever shall ever be paid out of the general fund of the State, or any other fund whatever, excepting the swamp land fund, as provided in this act, for the purpose of drainage and reclaiming any of the swamp lands, or for any expenses incident thereto.

Sec. 42. The county commissioners shall have power and they are hereby authorized to remove any swamp land commissioner in their respective counties and appoint another in his place whenever they shall be of opinion that the public good requires it.

Sec. 43. The board of commissioners of any county may in their discretion, and when they may deem it necessary for the recovery, benefit or ascertainment of the amount of the swamp land fund rightfully belonging to their county, appoint a competent and skillful accountant to examine all the books and accounts of the different officers of State and make settlement with them on behalf of such county for all moneys received from sales of swamp lands in said county, and the Auditor of State shall draw his warrant upon the Treasurer of State in favor of the treasurer of such county for any balance that may be found due such county from the swamp land fund, and the board of commissioners shall make such allowance for the payment of the services of such accountant as they may deem just; *Provided*, That the auditor and treasurer of any county may, in the discretion of the board of commissioners thereof, be authorized and empowered to perform the duties herein required of appointed accountants, and be paid for such services in like manner.

Sec. 44. It is hereby made the duty of the Auditor and Treasurer of State immediately after the passage and taking effect of this act to ascertain the amount due each county of this State from the swamp land fund, for all swamp land sold within the bounds of each county.

*First*, For all such lands as were sold by the United States land offices in this State from and after the passage of the act of Congress granting such lands to the State of Indiana.

*Second*, For all such lands as have been sold by the county auditors and treasurers, specifying the amount paid for in cash and the amount paid for in ditching warrants.

Sec. 45. The county commissioners of each county are hereby authorized and empowered in their discretion to bring suit or cause suit to be brought in the name of the State of Indiana upon their relation against any officer, person or persons, corporation or company, for the recovery of any lands or moneys rightfully belonging

to the swamp land fund, or for the setting aside of any fraudulent title to any swamp lands, or for the enforcement of any contract for the ditching and drainage of such lands.

Sec. 46. The four thousand eight hundred and thirty-nine and twenty-hundredths acres of land patented to the State of Indiana by the United States, under date of November 6, 1857, as indemnity for lands which had been located by warrants and scrip, but were subsequent to such location proven to be swamp lands within the meaning of the act of Congress, approved September 20, 1850, are hereby authorized to be sold by the county auditors and treasurers of the several counties in which the same are selected, under the same rules and regulations as in this act are prescribed for the sale of swamp land, after having first procured maps and plats of the same and given due notice and offered the same for sale at public auction, as in this act required in sales of swamp lands.

Sec. 47. Whereas much confusion exists in relation to the swamp land matters of a number of counties of this State which requires an immediate remedy, it is hereby declared that an emergency exists requiring the taking effect of this act, which is hereby declared to be in force from and after its passage.

The question being on concurring in the report.

It was not concurred in.

Mr. Turpie moved to lay the bill and report on the table.

Messrs. Keefer and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Claypool, Clayton, Clements, Colgrove, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Waterman, Wheeler and Wood—46.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Comstock, Cotton, Davisson, Devol, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Row, Scott, Sherman, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman and Mr. Speaker.—40.

H. J.—56.



So the motion to lay on the table prevailed.

Mr. Colgrove moved to reconsider the vote on laying the report on the table.

Mr. Prosser moved to lay the motion to reconsider on the table.

Mr. Hamilton of Boone moved a call of the House.

Which was agreed to.

The Clerk proceeded with the call, when the following members answered to their names :

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kempf, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whiteman, Wildman, Wood and Mr. Speaker—94.

Mr. Hamilton of Boone moved to dispense with the further call. Which was agreed to.

The question being on laying the motion to reconsider on the table.

Messrs. Murray and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Claypool, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Snyder, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Madison, Waterman, Wheeler and Wood—47

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Cavins,



Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Scott, Sherman, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—44.

So the motion to reconsider was laid on the table.

Mr. Waterman, from the committee on claims, made the following report:

**MR. SPEAKER:**

The committee on claims, to whom was referred the petition of A. Little Jones, of the county of Porter, asking an appropriation for services as assistant prosecuting attorney of the Laporte circuit court; the petition of Thomas G. Little, Temple Windle, S. S. Skinner, B. F. Schenck, Wm. C. Falcott, S. G. Haas, K. W. Little and Wm. Sayer, citizens of Porter county, asking for an allowance for money paid as reward for recapturing certain prisoners; the petition of James K. Lamblin, asking an allowance for time and money spent in the apprehension and conviction of Elish Brothers for horse stealing; and the petition of Jacob Stockslager, Caster Lykens and others, asking an allowance for time and money spent in arresting and prosecuting the Brothers on a charge of grand larceny: have directed me to report said petitions back to the House, and recommend that they be laid on the table, as the House has determined not to allow any claim of a similar nature.

Which was concurred in.

Mr. Waterman, from the same committee, made the following report:

**MR. SPEAKER:**

The committee on claims, to whom was referred the petition of Andrew P. Jones, asking damages for the location of the Central canal through his land, have had the same under consideration, and have directed me to report the said petition back, and recommend that it be laid on the table.

Which was concurred in.

Mr. Cavins, from the committee on claims, made the following majority report:

MR. SPEAKER :

The committee on claims, to whom was referred the claim of Robert D. Yond, have had the same under consideration, and for reasons heretofore given in a minority report of said committee on other claims, the majority of said committee have directed me to report said claim back to the House, and recommend that it be laid upon the table.

Mr. Wildman, from the same committee, made the following minority report:

MR. SPEAKER :

The minority of your committee, to whom was referred the claim of Robert D. Yond, have had the same under consideration, and believe the claim to be just, and recommend that it be allowed, and that the committee of ways and means be instructed to provide for the payment of the same in the specific appropriation bill.

L. L. WILDMAN,  
M. WATERMAN.

The question being on concurring in the report of the majority of the committee.

Messrs. Harney and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Brotherton, Cavins, Clark, Colgrove, Collier, Cotton, Davisson, Durham, Devol, Early, Edwards, Gifford, Gregory, Hall of Grant, Hall of Rush, Harrison, Hartley, Hunter, Johnston, Keefer, Lewis, McLain, Mellett, Nebeker of Vermillion, Nebeker of Warren, Parks, Parrett, Prosser, Robinson, Rynerson, Scott, Shull, Stanley, Sullivan, Tebbs, Thompson of Madison, Treadway, Whiteman, Wood and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Boxley, Branham, Clements, Comstock, Davis, Dobbins, Dougherty, Eastham, Fordyce, Griffin, Hancock, Harney, Jordan, Kelly, Kempf, Major, Mansfield, Massey, Murray, Martin, Nelson, Power, Ritter, Row, Sherman, Shockley, Smith of Miami, Stanfield, Stiles, Summers, Thompson of Elkhart, Waterman, Whetzel and Wildman—37.

So the report was concurred in.

Mr. Scott, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries, to whom was referred House bill No. 293, "An act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with the provisions of this act," have had the same under consideration, and directed me to report the same back to the House, and recommend the following amendment, namely: strike out of the sixth line of the first section the words "on joint ballot," and when so amended, recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Dougherty, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries to whom was referred Senate bill No. 39, "a bill to amend section seven of an act providing for the election of clerks of the circuit court and prescribing some of their duties," approved June 7, 1852, have had the same under consideration and have instructed me to recommend that the same be laid on the table, and have further directed me to report the following bill as a substitute therefor.

The report was concurred in.

No. 336. A bill prescribing the duties of clerks, justices, auditors and treasurers in reference to jury fees, fines, forfeitures and unclaimed fees, and repealing all laws in conflict herewith.

Was read a first time and passed to a second reading.

Mr. Nebeker of Warren, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER:

The committee on rights and privileges to whom was referred engrossed bill of the House No. 257, "a bill to provide for the formation of new counties, and for the representation thereof and the administration of justice therein," with instructions, have had the same under consideration and have directed me to report it back amended in accordance with said instructions, as follows, to-wit:



Amend by adding at the end of the eighth section the following, to-wit :

*Provided*, That nothing in this act contained shall be so construed as to allow a new county to be formed without the consent of a majority of the qualified voters of the county or counties out of which said new county is to be created.

And when so amended they recommend its passage.

Mr. Snyder, from the same committee, made the following minority report:

R. SPEAKER :

The minority of the committee to whom was referred House bill No. 257, entitled "an act to provide for the organization of new counties and for the representation thereof, and the administration of justice therein," with instructions to amend the bill so as to require that no new county shall be formed without the consent of a majority of the qualified voters of the county or counties out of which the new county is to be created, have had the same under consideration and instruct me to report the same back to the House for its further action for the following reasons:

*First*, Since the year 1857 there has been a statute in force authorizing the creation of new counties under circumstances therein provided for, and it is understood that action has been had under said statute in different parts of the State looking to the formation of new counties, and that in fact, in some cases, the necessary steps thereto have been completed, yet the singular anomaly is presented in our statutes of a law creating a county without a provision for its organization, for the administration of justice, or for representation. This is a most singular omission and is clearly attributable to oversight.

*Second*, The bill under consideration, although the engrossing clerk has endorsed it "*a bill to provide for the formation of new counties*," &c., has not in it a single provision for the formation or creation of new counties, but on the contrary provides only, as its title imports, for the *organization* of counties already created or formed, &c.

*Third*, The undersigned deem the provisions of the bill just and equitable, and as there is no existing statute on the subject, highly necessary and proper, as it but breathes the breath of life into a creation of the law and wipes from our statutes the singular omission referred to, which if not supplied by some such law as is presented in the bill under consideration, would be more aptly entitled "*an act to create an asylum for debtors and a sure refuge for offenders*."

*Fourth*, The undersigned are persuaded that the error of the engrossing clerk, before alluded to, has misled the House into the

adoption of the resolution requiring the amendment proposed, for surely it was not designed that a county should be created in which justice could only be administered under the code of Judge Lynch.

Again, it is not presumed that the Legislature of 1857 intended by the act for the creation of new counties to violate the right to representation or to exempt a portion of the people from the payment of their debts or punishment for crime, yet such it is believed would be the operation of the law now in force, without some such enactment as that proposed in bill 257.

*Fifth*, It is believed that the addition proposed to the bill would be to embrace a different subject matter in it, which would necessarily impair its harmony, be unconstitutional and defeat the object of the proposed amendment.

The undersigned, for the foregoing reasons, would report the bill back to the House for its action and respectfully recommend that the proposed amendment be not concurred in.

D. SNYDER,  
JAS. O. PARKS.

Mr. Murray moved that the bill and amendments be laid on the table.

Which was agreed to.

Mr. Brotherton, from the same committee, made the following report :

MR. SPEAKER :

The committee on rights and privileges of the inhabitants of this State to whom was referred Senate bill No. 32, entitled " a bill for the better protection of growing cranberries and prohibiting the sale or purchasing the same within the time specified therein, and prescribing the punishment for the violation thereof," have had the same under consideration and have directed me to report the same back to the House and recommend its passage with the following amendments :

Amend the first section by striking out the word " October " in the ninth line and insert " September " in lieu thereof.

Also the word " ten " in the sixteenth line of the same section, and the word " three " be inserted instead thereof.

Also amend by striking out the second and third sections.

The report was concurred in and the amendments adopted.

The bill then passed to a third reading.

Mr. Nebeker of Warren, from the committee on rights and privileges, made the following report :

MR. SPEAKER :

The committee on rights and privileges to whom was referred Senate bill No. 51, "A bill for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people," have had the same under consideration, and directed me to report it back with a recommendation that the bill be passed.

The report was concurred in.

Senate bill No. 51 was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Boyd, Branham, Brotherton, Cavins, Clark, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Devol, Eastham, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Lewis, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Whetzel and Whiteman—61.

*Those who voted in the negative were,*

Messrs. Boxley, Claypool, Dobbins, Dougherty, Durham, Gifford, Harney, Hartley, Keefer, Kelly, Kempf, Knowlton, Shields and Wood—14.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Snyder moved to suspend the order of business and take up House bill No. 257.

Which was not agreed to.

Mr. Parks, from the committee on the rights and privileges of the inhabitants of this State, made the following report:

MR. SPEAKER :

The committee on rights and privileges to whom was referred divers petitions from the citizens of Lafayette asking the Legislature to repeal or modify the law of 1855, for the protection of the



Sabbath and to provide penalties for the desecration thereof, have had the same under consideration and have instructed me to report the same back and recommend that the same be laid on the table, as legislation on that subject is inexpedient.

Which was concurred in.

Mr. Harrison, from the committee on county and township business, made following report:

MR. SPEAKER:

The committee on county and township business to whom was referred Senate bill No. 19, "a bill to provide for an enumeration to be made of all the white male inhabitants over the age of twenty-one years in the year 1860, and every six years thereafter," have had the same under consideration and directed me to report the same back and recommend its passage.

The report was concurred in and the bill passed to a third reading.

Mr. Harrison, from the same committee, made the following report:

MR. SPEAKER:

The committee on county and township business to whom was referred House bill No. 301, "a bill to repeal so much of the law for the collection of taxes as requires county treasurers to attend at the place of holding elections for that purpose," have had the same under consideration and direct me to report it back and recommend that it be indefinitely postponed.

The report was concurred in and House bill No. 301 indefinitely postponed.

Mr. Harrison, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred a resolution to inquire into the expediency of providing by law for the establishment of section corners, have had the same under advisement and direct me to report the same back and recommend that it be laid on the table, believing that legislation on that subject is unnecessary.

The report was concurred in.

Mr. Treadway, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture to whom was referred House bill No. 288, "a bill authorizing the payment of a reward for the discovery of the cause of the disease commonly known as Milk Sickness," have had the same under consideration and direct me to report the same back and recommend its passage.

Mr. Edwards moved to lay the report and bill on the table.  
Which was agreed to.

Mr. Edwards, from the committee on benevolent institutions, made the following report:

MR. SPEAKER:

The committee on benevolent institutions to whom was referred House bill No. 286, entitled "an act providing for the extension of the buildings of the Hospital for the Insane, and authorizing a loan of money for that purpose," have directed me to report the same back for action.

Mr. Edwards moved the following amendments:

Amend by striking out "seventy thousand" where it occurs and insert "thirty thousand."

Strike out the word "extension" in the first section and insert the words "an extension."

Strike out the third section and conform the numbers of the subsequent sections to this amendment.

Which were agreed to and the bill as amended ordered to be engrossed.

Mr. Edwards, from the committee on benevolent institutions, made the following report:

MR. SPEAKER:

The committee on benevolent institutions to whom was referred Senate bill No. 203, entitled "a bill to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers," have directed me to report the same back and recommend its passage.

The report was concurred in and the bill passed to a third reading.

Mr. Devol, from the committee on public expenditures, made the following report:

MR. SPEAKER:

The committee on public expenditures have examined into the present condition of the three per cent. fund, and find that up to the year 1855 the United States have withheld from this State \$106,861 79 of this fund, and applied it, as is supposed, to the payment of interest on about \$210,000 of internal improvement bonds of this State, held by the United States in trust for certain Indian tribes. The communication from the Secretary of the Department of the Interior, laid before the House at the present session, asking the General Assembly to make provision for the payment of interest due on a portion of these bonds; the remarks recently made in Congress, derogatory to the character of this State, because of the non-payment of this interest, and the violated rights of the counties to whom three per cent. fund justly belongs, demand of the committee a full examination of the facts connected with the issuing of these bonds, and the withholding of this fund by the United States.

In 1836 the State entered into a general system of internal improvements, and as a means of prosecuting it, issued bonds exceeding in amount twelve million of dollars. The United States having annuities to pay to certain Indian tribes, and a full treasury, invested in the bonds issued for the benefit of the Lawrenceburgh and Indianapolis railroad, under the 25th section of the internal improvement act of 1836, about \$210,000, in trust for these Indians.

For the purpose of showing how far the action of the General Government led to the adoption of this system, the committee refer to the following facts:

During the administration of General Jackson, it was stated in his messages and in Congress, that since the extinguishment of the national debt, a large surplus was accumulating in the treasury, which could not be rapidly lessened by a change in the tariff laws, without endangering interests which the policy of these laws had called into existence; that this surplus ought to be distributed among the States for internal improvement purposes, because the States, through their Legislatures, could establish a system which would confer its benefit on every portion of each State, but that direct appropriations for internal improvement purposes by Congress were partial, and expended in the vicinity of members of Congress, by whose agency the appropriations were made. The public sentiment of Indiana and other Western States, whose products were of great weight and bulk, and whose commercial facilities were inadequate to their wants, was quickly formed by these recommendations in favor of such a system of State internal improvements. Relying on their own ability and the aid expected from the United States, the Legislature passed the act of 1836. In 1837 the United States purchased the bonds referred to.

It is not necessary for the committee to speak of that commer-



cial revulsion in 1837 and 1838, induced to a great extent by the legislation of Congress, which regulated foreign commerce, and over which our State had no control. It crushed down the ability and credit of the State to render available either for commercial or revenue purposes, the heavy expenditures made in the prosecution of its improvements. It at once brought down bankruptcy even to the overflowing treasury of the General Government.

Thus paralyzed, the State in 1841 could no longer pay the interest on its foreign debt. In 1845 Congress passed a joint resolution, directing the Secretary of the Treasury to withhold from any State the funds belonging to it, which might be indebted to the United States, for the payment of principal or interest on investment in bonds held by it in trust. Under this resolution, that officer withheld the three per cent. fund coming to Indiana under the provisions of the ordinance of 1816, and applied it to the payment of the interest on the bonds purchased by the United States.

In 1846 and 1847 the Legislature passed the acts providing for its funded debt, in a way that would be just and acceptable to its creditors, and within the ability of the State. In the act of the latter year, to section 8, there is a proviso declaring "that the State will make no provision whatever hereafter, to pay either principal or interest on any internal improvement bond or bonds, until the holder or holders thereof shall have first surrendered said bonds to the agent of State, and shall have received in lieu thereof certificates of stock, as provided in the first section of this act." This stipulation, as well as both acts, was demanded by the accepting creditors as a pledge of good faith on the part of the State towards them, that it would treat all creditors alike, and not at a future day pay the claims of non-accepting bondholders, because they withheld their acceptance to the acts of 1846 and 1847.

The State had not been informed by the Secretary of the Treasury of his withholding the three per cent. fund. In the Auditor's report of 1847 he says, "that a considerable amount of the three per cent. fund, due from the Treasury department of the United States, at the last distribution, was, by some error in the calculation, withheld." In the mean time, several counties, relying on the usual distribution among them of this fund, which from the first had been appropriated to the counties for the making of State roads and their bridges, continued making and repairing them by contracts, which, to this time, remain unpaid, because the county commissioners directed their payment "out of the first moneys coming into treasury from the three per cent. fund." In 1849 the Legislature was first informed, through the agency of these unpaid creditors, of the action of the Secretary of the Treasury. During the session of that year, and at those of 1850 and 1855, joint resolutions were passed, declaring that by the ordinance of 1816 the Legislature was made a *trustee* for the disposal of the three per cent. fund for the making of roads, and that by no act of Congress

or of the General Assembly could the fund be diverted to any other purpose or object, and our Senators in Congress were instructed, and our Representatives requested to procure the repeal of the joint resolution of Congress of 1845, and the payment to the State of the three per cent. fund, withheld under its provisions. The Senate of the United States passed a bill for this purpose, but it failed in the House of Representatives, on account of falling into that vortex, called "the unfinished business."

By the joint resolution of 1855, Governor Wright was directed to communicate with the proper officers of the United States, and obtain the payment of the withheld three per cent. fund. In his communication, dated June 14, 1855, to Mr. Guthrie, the Secretary of the Treasury, he assumed among other positions the following:

*First.* That by the terms of the ordinance of 1816 it was provided that the three per cent. fund should be reserved for roads, &c., under the direction of the Legislature.

*Second.* That the legislation of the State, commencing in 1818 and ending in 1852, the last law then in force, has, in pursuance of the compact of that act, set apart and appropriated this fund for the building of bridges and the improvement of highways, by and through the commissioners of the several counties of the State.

*Third.* That the State, as to this fund, was but a trustee, and the General Assembly could not appropriate the trust fund towards the payment of the individual debts of the trustee.

To these positions Mr. Guthrie replied:

*First.* That the act of 1816 did not, in his opinion, make the three per cent. fund a trust fund, but created a pact or agreement between the United States and the State of Indiana, and that between individuals or between independent nations compliance therewith might be withheld for sufficient cause, and that the obligations of the United States to Indiana, in this case, cannot be more obligatory than between individuals or independent nations.

*Second.* That as the State had issued the bonds held by the United States, for the benefit of the Lawrenceburgh and Indianapolis railroad, it was, virtually, an application on its part of the three per cent. fund to the making of roads, and, therefore, justifies the joint resolution of Congress.

*Third.* That he could not, without further legislation of Congress, directing him to pay the fund to Indiana, comply with the request of the Governor.

Governor Wright desired that copies of this correspondence might be laid before the President: and if any subsequent action has been taken, the authorities of the State are not apprized of it.

Your committee having thus stated every material fact connected with the issuing of the bonds held by the United States, the non-payment of interest thereon, the resolution of Congress to enforce payment by withholding this fund, and the legislation of the State in reference to that resolution, and to the adjustment of the foreign



debt of the State, now proceed to examine the course proper to be pursued by the General Assembly.

One of two things it must do: either insist that the United States shall comply with the conditions of the acts of 1846 and 1847, and pay over the three per cent. fund, or make provision for payment of interest due, and that may become due, on bonds held by the United States, and for the payment of the creditors of the counties whose claims are to be paid out of this fund, but has not been, because of its appropriation to the payment of interest on these bonds.

Your committee have no hesitation in recommending the first of these alternatives. No State has shown a higher regard for the obligation of its contracts than Indiana. It has adhered to that obligation in every instance, except the payment of the interest on its internal improvement bonds, at a time when the commerce of its citizens and its finance and credit were prostrated by a commercial revulsion unexampled in its severity. Before it recovered from it a majority of its bondholders proposed the basis of an adjustment contained in the acts of 1846 and 1847. At that time the Wabash and Erie canal and its lands were regarded as ample to meet one-half the principal and interest of these bonds, and the interest of the remaining half has been, since then, punctually paid. If subsequent events have unfavorably influenced the revenues of the canal, like events have rendered unprofitable, as investments of capital, the canals of Ohio, Pennsylvania, New York, and other States. The State yielded its assent to this adjustment, although it embraced the payment of between three and four million of dollars for which it had received no consideration. Nor can it now safely provide for the payment of the interest on the bonds held by the United States, for as already shown, the act of 1847 contains a stipulation to the accepting bondholders, "that it will make no provision whatever hereafter to pay either principal or interest on any internal improvement bond or bonds, until the holder or holders thereof shall have first surrendered said bonds to the agent of State, and shall have received in lieu thereof certificates of stock, as provided in the first section of this act." The State has always regarded this as an imperative obligation, and hence has repeatedly refused to make any other payments than as provided in this act. The basis of this adjustment came from individuals, many of whom were widows and orphans, and dependent on the interest of their bonds for maintainance. Can the United States, in justice, demand a more favorable consideration than these? Looking to its own controlling agency in leading the State to adopt the internal improvement system of 1836, can it reasonably demand an exemption from the terms of this adjustment? Can it defend the justice of the joint resolution of Congress of 1844?

Nor can the committee acquiesce in the positions assumed by the Secretary of the Treasury to sustain his action under this re-



solution. He says that in his opinion the three per cent. fund is not a trust, but assigns no reasons for this opinion. A trust is a donation to be applied to a particular purpose. The act of 1816 specifies this purpose. It stands a trust with the 16th school sections, the seminary townships, the four sections for a seat of government. The State has always so regarded it. In the reports of the Auditor it has always been placed among the "various trust funds"—with the Congressional township fund and the University fund. The provision of our State constitution, which declares that "all trust funds held by the State, shall remain inviolated and be faithfully and exclusively applied to the purposes for which the trust was created," is but a constitutional affirmation of the common law. The obligation to observe the condition of the trust is mutual, and the only "sufficient cause" for a donor to withhold the donation is the misapplication of it by the donee. So long as the latter complies with the conditions of the grant, he can compel the donor to their observance. It is not contended that the State has misapplied this fund.

The committee cannot perceive how any constructive application of this fund to roads is to be inferred from the act of the Legislature of 1836. The bonds issued to the Indianapolis & Lawrenceburgh Railroad are not made payable out of it, nor in any way pledged by the bonds. In all instances wherein the General Assembly authorized an expenditure of the three per cent fund it was by a distribution of it to the county commissioners, and uniformly applied to the making of common roads and bridges, because the ordinance of 1816 was always construed to refer to such roads, and not to railroads, the latter being unknown at that day, and totally unfitted to the common wants of early settlement. And in such distribution, the United States, in the more rapid sale of its lands, was as much benefitted as the citizens of this State.

The committee but express the common sentiment of the people of Indiana in acknowledging their gratitude to the General Government for its munificent donations to the State, to advance its educational and internal improvement interests. Its action has been paternal in all instances, from the act of 1816 to the donation of the swamp lands, except only in the passage of the Joint Resolution of 1845, and this exception it cannot attribute to any other cause than hasty and inconsiderate legislation. With the expectation that Congress will restore the three per cent. fund and direct the Secretary of the Treasury to surrender the bonds held by the United States, and receive certificates of stock therefor, the committee report the following joint resolution :

Joint Resolution No. 23. A Joint Resolution asking Congress to pay to Indiana the three per cent. fund withheld from it, and to authorize the Secretary of the Treasury, or other proper officer to surrender the bonds held by the United States of this State, and to receive certificates of stock therefor.

Was read.

Mr. Ritter moved taht the House adjourn until to-morrow morning, 9 o'clock.

Which was agreed to.

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TUESDAY MORNING, 9 o'clock, }  
March 1, 1859. }

The House met.

On motion by Mr. Mellett,  
The reading of the journal was dispensed with.

Mr. Mellett obtained leave and made the following report from a select committee:

MR. SPEAKER:

The select committee to whom was referred House No. 306, "a bill for the relief of John M. Shirey," have had the same under consideration and have directed me to report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Mellett moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

No. 306 was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Claypool, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowl-

ton, Lawhead, Lewis, McLain, Major, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanfield, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—79.

No one voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Hunter, from a select committee, obtained leave and made the following report :

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 62. A bill for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of lands granted by the United States for the use of said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto," have had the same under consideration and directed me to report the same back to the House and recommend its passage.

The report was concurred in and Senate bill No. 62 was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Griffin, Hancock, Harrison, Hunter, Jordan, Kempf, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Newton, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Stanfield, Stiles, Summers, Thompson of Elkhart, Usrey, Wheeler and Whetzel—56.

*Those who voted in the negative were,*

Messrs. Bowman, Dougherty, Durham, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Hartley, Jefferis, Johnston, Jones, Keefer, Kelly, Nebeker of Warren, Nelson, Parks, Parrett, Robinson, Shields, Shull, Snyder, Sullivan, Tebbs, Thompson. H. J.—57.



son of Madison, Treadway, Waterman, Whiteman, Wood and Mr. Speaker—30.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Clark, from a select committee, obtained leave and made the following report :

MR SPEAKER :

The select committee to whom was referred House bill No. 298, entitled "an act to provide for laying out and repairing highways upon the line between Indiana and adjoining States," have had the same under consideration and direct me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Clark moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

No. 298 was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Parrett, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—85.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hall of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER :

The committee on engrossed bills have compared engrossed bill of the House No. 299, have examined the same and find it correctly engrossed.

Mr. Parks, from the committee on engrossed bills, made the following report:

MR. SPEAKER :

The committee on engrossed bills have compared engrossed bill of the House No. 259 with the original and find the same correctly engrossed.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER :

The committee on engrossed bills have examined House engrossed bills Nos. 245, 322 and the engrossed amendment to No. 28, and find them correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed to bring to the House Senate enrolled bill No. 102 for the signature of the Speaker thereof.

A bill to amend the third section of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof, and repealing sections twenty-nine and thirty-eight of said act. Also,

Senate bill No. 112. An act to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same. and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March A. D. 1859.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bill:

Senate bill No. 25. A bill for the investment, distribution and safe-keeping of the funds arising from the 113th and 114th sections of an act establishing a State Bank, approved January 28th, 1834, and providing for the purchase of bank bonds, and prescribing the duties of certain officers therein named.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the engrossed amendment of the House to Senate bill

No. 102. A bill to amend the third section of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof, and repealing sections twenty-nine and thirty-eight of said act.

Mr. Gifford, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared engrossed bill of the House No. 287 with the original and find the same correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House, all without amendment.

House bill No. 134. A bill to amend the first section of an act entitled "an act concerning real property and alienation thereof," approved May 6, 1852.

House bill No. 224. A bill to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon



cultivated farms and public highways, and to prescribe penalties for selling seed or grain containing Canada thistle seed.

House bill No. 267. A bill providing the time of holding and the length of terms of the courts in the Third Judicial Circuit.

Mr. Parks, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared engrossed bills of the House Nos. 251 and 2 with the originals and find the same correctly engrossed.

Mr. Nebeber of Warren was granted leave of absence until the close of the session.

Mr. Murray, by leave, moved to take up the message from the Governor on House bill No. 195.

A message from the Governor, by Mr. Osbourne, Executive Messenger.

MR. SPEAKER :

I am directed by the Governor to return to your House bill No. 195 with his message in relation thereto :

*Gentlemen of the House of Representatives :*

I return to you House bill No. 195 entitled "an act to provide a treasury system for the State of Indiana, the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public moneys," with section second of the bill determining that all debts due to the State may be paid in the bills of the specie paying banks created by laws of this State, and that all the creditors of the State shall be required to accept in payment of any claim or claims they may have, the notes of such banks. Sec. 10 of Art. I of the Constitution of the United States declares that no State shall make anything but gold and silver coin a tender in payment of debts. The State cannot, therefore, make the creditor of a citizen accept in payment anything but gold and silver. Nor do I believe that she can rightfully discharge her own obligations and compel her creditors to receive in satisfaction anything but the currency of the Federal Government. Under the new Constitution it was clearly intended that the State should not be a stockholder in or loan its credit to any bank created by the laws of this State, except that the trust funds might be invested

in a bank with branches. The effect of section second, to which I have alluded, is to loan to the various banks all the funds of the State, derived either from revenue collected by taxation, or from payments made by those who are her debtors. It makes no difference, so far as the banks are concerned, whether their notes are received into the treasury, there to be held by the State and not paid out, or the State loans to them directly the entire amount of its revenue to be paid by the banks as the public necessities may require. If the proposition was made to loan directly to the various banks all the public moneys, to be paid by them on request, could it for a moment command your approval? Notwithstanding all the guards that have been thrown around and the guaranties given for the protection, security and solvency of the banks, would you be willing to make them the depositories of the public funds? If you would not be willing to thus loan the public money, should you, by indiscretion, accomplish the same purpose? The Legislature is absolutely prohibited by the Constitution from enacting a law which would authorize the direct loan; have they the power to do the same in this indirect manner?

Experience has clearly shown in the administration of the Federal Government that whenever Government has collected its revenues in the notes of banks, or made its deposits with them, it has proved disastrous not only to the Government, but to the business interests of the country.

You will all readily call to mind the immense defalcations which occurred before the Federal Government required all of its revenues to be paid in constitutional currency, and every officer who embezzled any portion of the public funds was subjected to punishment. You will likewise remember the terrible disasters which overtook the banks when they were the depositories of the public funds. Since the change in the law was made, few, if any, losses have occurred.

May we not well draw the inference that it is safer for the State to collect her dues in constitutional currency and make its disbursements in the same? May we not conclude that it is safer for the business interests of the country to allow no part of the public moneys to be so used that it shall enure to the imaginary benefit of any banking institution, and it does appear to me that those who are the owners and managers of the banks will find it more safe to the institutions under their control if no temptation is held out for the enlargement of their circulation by the State holding in her treasury their notes.

Section sixteen of the bill reads as follows: "At some convenient period, prior to the falling due of the interest on the foreign debt of the State payable at New York, the Treasurer shall, without making any discrimination, draw on the bank notes of the treasury an amount of specie sufficient to pay said interest, which he shall transmit to New York by express or otherwise, as may be deemed most safe; but any bank or banks on whose notes specie



is thus demanded, may redeem such notes to the extent of such demand by draft on New York, payable fifteen days preceding the day of payment of said interest and without any premium of exchange, and giving ample security to the Treasurer for the prompt payment thereof." Sec. 7 of Art. 11 of the Constitution provides "all bills or notes issued as money shall be at all times redeemable in gold and silver, and no law shall be passed sanctioning directly or indirectly the suspension by any bank or banking company of specie payments." Can section ten of the bill become a law consistent with the section of the Constitution above quoted. I do not know how it is possible for the Treasurer of State to prevent the bills or notes of banks demand for the redemption of them in gold or silver, and be required to accept in lieu thereof drafts on New York, unless it is the intention of the Legislature to relieve the banks from the payment of their notes in specie. If the Legislature can thus relieve the banks from their obligations to pay specie to the State when demanded, can it not with equal propriety, with justice, with equal legality, relieve them from any liability if they fail to pay specie to any citizen when he may present one of their notes and ask its redemption in coin.

A safe, well secured paper money, regulated and controlled by the laws of our own State is better than a paper money created and regulated by the laws of other States. But to make that paper money safe to be received by any person in the sale of property, it is necessary that those who issue it shall be confined strictly to its redemption in specie when presented. It is enough that power is given for the establishment of banks with all their privileges and rights, without giving to them the power to refuse to redeem their notes when presented.

The people of the State never would have consented that the Legislature should be empowered to establish a bank and permit the same to exist unless all its issues were required to be redeemed upon presentation. Least of all would they now consent that the money collected from them by taxation should be presented and the banks allowed to refuse its redemption.

ASHBEL P. WILLARD.

Mr. Branham moved a call of the House,  
Which was agreed to.

The Clerk proceeded with the call when the following members answered to their names :

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Har-



ney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—98.

On motion,  
The further call was dispensed with.

The question being, shall House bill No. 195 pass, the objections of the Governor to the contrary notwithstanding?

*Those who voted in the affirmative were,*

Messrs. Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Elkhart, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Carr, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Wheeler and Wood—42.

Mr. Austin was in his seat and refused to vote.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Scott moved to suspend the order of business, and put House bill No. 295, which failed for want of a constitutional majority, on its passage again.

Which was agreed to.

No. 295. A bill to provide for the erection of an additional

State prison, and making an appropriation therefor; and making it a felony to violate certain provisions thereof, and prescribing a punishment therefor.

Was taken up.

Mr. Griffin moved the previous question;  
Which was seconded.

The question being shall the main question be now put?  
It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Boxley, Clark, Claypool, Clements, Colgrove, Collier, Comstock, Davisson, Dobbins, Eastham, Edwards, Firestone, Gifford, Griffin, Hall of Grant, Hamilton of Wayne, Harney, Harrison, Jefferis, Jones, Kelly, Knowlton, Lawhead, McLain, Mansfield, Merrifield, Murray, Newton, Parks, Power, Robinson, Row, Scott, Sherman, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whiteman and Wildman—52.

*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Brotherton, Clayton, Cotton, Davis, Dougherty, Durham, Devol, Fordyce, Gregory, Hamilton of Boone, Hancock, Hartley, Hunter, Johnston, Jordan, Kempf, Lewis, Major, Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nelson, Prosser, Ritter, Rynerson, Shields, Shockley, Stiles, Sullivan, Summers, Whetzel, Wood and Mr. Speaker—37.

So the bill passed.

Mr. Snyder moved to amend the title as follows, to-wit:

“An act providing for the erection of a State prison north of the Wabash river, and making appropriations therefor.”

Which was agreed to.

*Ordered,* That the Clerk inform the Senate of the passage of said bill.

Mr. Parrett obtained leave and made the following report from the committee on corporations:

MR. SPEAKER :

The committee on corporations, to whom was referred House bill No. 279, "A bill to empower plank road companies to sell and convey their real and personal estate," have had the same under consideration, and directed me to report the same back and recommend its passage.

The report was concurred in.

Mr. Parrett moved that the bill be considered as engrossed, and read a third time now;

Which was agreed to.

No. 279 was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jeffers, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Murray, Martin, Nebeker of Vermillion, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—87.

Mr. Martin voting in the negative—1.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Stanfield obtained leave and made the following report from the committee on the judiciary.

MR. SPEAKER :

The committee on the judiciary, to whom were referred sundry resolutions in relation to debts from former officers and agents of the State, and indicating different modes of securing and collecting the same, have had said resolutions under consideration, and, in view of the doubtful question of law, arising in some of the



most important cases, and the inability of debtors, in others, to make full payment in money, the committee are of opinion that the most prudent and safe way of disposing of this subject would be to put the matter in the hands of commissioners, with full power, under the approval of the Governor, to make full and final adjustment and settlement of all such claims upon such terms as the commissioners may, in their judgment, think to be most beneficial to the State; and to give confidence to the people that their interest will be fully protected by any adjustment that shall be made by the commissioners, the committee have named such men as Jehu T. Elliott, William T. Otto and Norman Eddy as the commissioners.

The characters of these gentlemen are so well known for capacity and integrity, that the committee feel assured that all will readily acquiesce in what they shall do. The committee therefore recommend the adoption of the following joint resolution:

A joint resolution in relation to the settlement, adjustment and collection of the dues to the State from the various officers and persons indebted thereto.

Was read.

The question being shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Harrison, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Claypool, Dobbins, Dougherty, Row, Stanley, Sullivan and Usrey—7.

So the joint resolution passed.

*Ordered;* That the Clerk inform the Senate thereof.

Mr. Colgrove, from the committee on the judiciary, obtained leave and made the following report :

MR. SPEAKER :

The judiciary committee, in answer to a resolution of the House inquiring the opinion of the committee as to the last day of this session on which bills can be presented to the Governor, have had the subject under consideration, and instructed me to report back that a majority of the committee are of the opinion that Friday next will be the last day; the minority being of the opinion that Thursday will be the last day. All of which is respectfully submitted. Therefore,

*Resolved*, That it is the opinion of this House that Friday next is the last day of this session, on which bills, passed by the General Assembly, can be constitutionally presented to the Governor for his signature.

The report was concurred in, and the resolution adopted.

Mr. Colgrove moved to suspend the order of business, and take up Senate bills on second reading ;

Which was not agreed to.

Mr. Murray moved to suspend the order of business, and take up the message from the Governor on House bill No. 29 ;

Which was agreed to.

A message from the Governor by Mr. Osborne, executive messenger.

MR. SPEAKER :

I am directed by the Governor to return you House bill No. 29, with his message in relation thereto.

*Gentlemen of the House of Representatives :*

I have received for my approval a bill which has passed both Houses of the General Assembly, entitled "An act to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors ; to prevent drunkenness and crime ; to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for the violations thereof."

There has been, and still is, an earnest desire among the people of the State, that the law should regulate and control the trade in spirituous, vinous, malt and intoxicating liquors. What that law should be has been the subject of discussion for several years.



The inquiry has been instituted, to learn to what extent the Legislature has the power to prohibit or regulate the trade. The supreme court, the highest tribunal established in Indiana to construe the constitution, has decided that the Legislature cannot prohibit the trade; but they have the power, in my opinion, to establish rules and regulations, by which those engaged in it shall be governed. I am confident that the people of the State are desirous that the trade should be regulated by law, and I regret that I am unable to approve the bill presented for my consideration. There are provisions in it which cannot be executed under our existing Constitution, and I regard it as useless and injurious to enact laws which cannot be sustained. Every such law creates difficulties and subjects citizens to great expense. The bill provides that the commissioners of each county shall require of every white male inhabitant, before he engages in the trade, to pay annually not less than twenty, nor more than one thousand dollars.

Section 22 of article 4 of the constitution declares that "the General Assembly shall not pass local or special laws in relation to fees or salaries, or for supporting common schools." And section 23 of the same article declares that "in all cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State."

Can a law be sustained which would enable the Legislature to designate the individuals in each county who should be authorized to engage in a legal traffic, and require one of those individuals to pay for the privilege thus granted, a higher price than is demanded of another. Is there a power to compel by law one farmer to pay for the privilege of cultivating his own soil, one price, and require of another who cultivates his, a higher price? Can a merchant, physician, mechanic or lawyer, be charged for the privilege of disposing of property, engaging in his labors or practicing his profession, more than another individual, engaged in a similar business, is required to pay? And if the Legislature could not be authorized thus to discriminate between those who are engaged in a trade or business, which can not be prohibited by law, can such power be conferred upon the commissioners of the county? But even if the Legislature or the county commissioners had this power to decide who should and who should not pursue a legal occupation in any one county, would they have the right to say that the citizens of one county should be required to pay more than the citizens of another, for carrying on a legitimate business? I am satisfied there is nothing which authorizes the Legislature to make such discrimination, and that no power exists to confer upon the commissioners of the various counties such authority.

The bill declares the amount demanded for a license to be a fee. If so, the 22d section before alluded to requires, that every man who desires the privilege of engaging in the traffic, should pay the same. If the amount paid is to be regarded in the nature of a tax, then it must be uniform. No such uniformity can exist where



one individual is taxed more than another, for the privilege of engaging in a particular business. But it can be made uniform whenever all those engaged in the same employment, shall be required to pay proportionally upon either the amount of labor done, capital employed or profits derived.

The money derived from this fee or tax is to be applied to the support of common schools. It has been held, and I think rightfully, that all taxes levied for the support of common schools, should be uniform.

The people of the State have adopted the Constitution. They have hitherto maintained and supported it. If there are errors in its provisions, they are alone authorized to amend or correct them. But so long as they continue it as the chart to guide the course of those who are entrusted with the care of its execution, it should be regarded as all controlling and as the highest law. They created it as a shield to protect them against encroachments upon their rights and liberties.

I hold it therefore to be the duty of every public officer to hold it up, until the people themselves are willing to take it down.

I return the bill with these my objections for your consideration. I shall most cheerfully unite with you in the enactment of any law which can legally be enforced, controlling and regulating the trade.

ASHBEL P. WILLARD.

Mr. Stiles moved the previous question ;  
Which was seconded.

The question being, shall the main question be now put ?  
It was so ordered.

The question being, shall House bill No. 29 pass, the objections of the Governor to the contrary notwithstanding?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Collier, Comstock, Davisson, Devol, Eastham, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Harney, Harrison, Hunter, Johnston, Jones, McLain, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Parks, Ritter, Robinson, Scott, Sherman, Shull, Smith of Perry, Stanfield, Stiles, Treadway, Whetzel, Wildman and Wood—43.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Claypool, Clements, Colgrove, Dobbins, Early, Firestone, Gifford, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Jefferies, Jordan, Keefer, Kelly,

Kempf, Lewis, Major, Massey, Merrifield, Miller, Nelson, Newton, Parrett, Prosser, Shields, Shockly, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, and Wood—40.

So the bill failed for want of a constitutional majority.

Mr. Mansfield, from a select committee, obtained leave and made the following report :

MR. SPEAKER:

The select committee to whom was referred House bill No. 55, "an act to regulate the sale of spirituous liquors," have had the same under consideration, and recommend the following amendment, and when so amended, recommend the passage of the bill :

Amend by striking out all after the enacting clause, and inserting the following :

"That no person shall sell or barter, directly or indirectly, any intoxicating liquor, by a less quantity than a quart at a time, within this State, without first procuring from the board of commissioners of the county in which such liquor or liquors are to be sold, a license as hereinafter provided : nor shall any person, without having first procured such license, sell or barter any intoxicating liquor to be drank or suffered to be drank in his house, out-house, yard, garden, or the appurtenances thereto belonging.

SEC. 2. The words "intoxicating liquor," as used in this act, shall apply to any spirituous, vinous or malt liquor, or to any intoxicating liquor whatever, which is used, or may be used as a beverage.

SEC. 3. Any white male inhabitant desiring to obtain license to sell intoxicating liquors, shall give notice to the citizens of the township in which he desires to sell, by publishing in a weekly newspaper in the county, a notice, stating in the notice the precise location of the premises in which he desires to sell, at least twenty days before the meeting of the board at which the applicant intends to apply for license ; or in case there is no such newspaper in such county, then by posting up written or printed notices in three of the most public places in the township in which he desires to sell, at least twenty days before the meeting of such board ; and it shall be the privilege of any inhabitant of said township, to remonstrate in writing, against the granting of said license to any applicant on account of immorality, or other unfitness.

SEC. 4. The board of county commissioners at such term, shall grant a license to such applicant upon his showing, to the satisfaction of said board of commissioners, that he has given the notice as above required, and that he is a man of good character and fit to be trusted with such license, and upon his giving bond, payable to the State of Indiana, with at least two freehold securities, resi-



dents within said county, to be approved by the county auditor, in the sum of five hundred dollars, conditioned that he will keep an orderly and peaceable house, and that he will pay all fines and costs that may be assessed against him for any violation of the provisions of this act, which bond shall be filed with the county auditor of said county.

SEC. 5. Such applicant shall, before license shall issue to him be required to pay to the treasurer of said county fifty dollars, as a fee for license for one year, to be applied and expended for common school purposes in the same manner in which revenues of the common school fund are, or may be expended.

SEC. 6. Upon the execution of the bond as required in the fourth section of this act, and the presentation of the order of the board of commissioners granting him license, and the county treasurer's receipt for the fee as aforesaid, the county auditor shall issue a license to the applicant for the sale of intoxicating liquors in a less quantity than a quart at a time, with the privilege of permitting the same to be drank in the premises as stated in the aforesaid notice, which license shall specify the name of the applicant, the place of sale, and the period of time for which such license is granted.

SEC. 7. No license, as herein provided, shall be granted for a greater or less time than one year.

SEC. 8. A license granted under the provisions of this act, shall not authorize the person so licensed to sell or barter any intoxicating liquor on Sunday, nor to any person under the age of twenty-one years, nor to a person or persons in a state of intoxication, nor upon the day of any State, county, township or municipal election in the township or city where the same may be holden.

SEC. 9. Every person who shall, directly or indirectly, knowingly sell, barter or give away, any intoxicating liquors to any person who is in the habit of being intoxicated, after notice shall have been given him, by the wife, child, parent, brother or sister of such person, or by the overseer or overseers of the poor of the township where he resided, that such person is in the habit of being intoxicated, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not less than five, nor more than fifty dollars.

SEC. 10. Any person not being licensed according to the provisions of this act, who shall sell or barter, directly or indirectly, any intoxicating liquor in a less quantity than a quart at a time, or who shall sell or barter any intoxicating liquor to be drank in his house, out-house, yard, garden, or the appurtenances thereto belonging, shall be fined in any sum not less than five, nor more than one hundred dollars, to which, the court or jury trying the cause, may add imprisonment in the county jail for any determined period, not exceeding thirty days.

SEC. 11. If any person shall sell, barter, or give away, any in-



toxicating liquors to any person under the age of twenty-one years, or to any person at the time in a state of intoxication, the person so offending shall be fined not less than five, nor more than one hundred dollars, to which, the court or jury trying the cause, may add imprisonment in the county jail for any determined period not exceeding thirty days.

SEC. 12. Any person who shall adulterate any intoxicating liquor which is intended for sale, by the admixture of any deleterious substance therewith, or any person who shall offer for sale or sell any intoxicating liquor which shall have been so adulterated as aforesaid, on conviction thereof, shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars, to which, the court or jury trying the cause, may add imprisonment in the county jail for any determined period not exceeding three months.

SEC. 13. Every place, house, room, arbor or shed, wherein intoxicating liquors are sold, bartered or given away or suffered to be drank, if kept in a disorderly manner, shall be deemed a common nuisance, and the keeper thereof, upon conviction, shall be fined in any sum not less than fifty dollars, nor more than two hundred dollars, to which may be added, by the court or jury trying the cause, imprisonment in the county jail for any determined period of time not exceeding three months: *Provided*, That no prosecution shall be instituted or maintained against any person for any violation of any of the provisions of this act occurring between the time when it shall take effect, and the close of the first regular session of the board of commissioners of the proper county, thereafter, the beginning of which session not taking place in less time than four weeks after this act shall have taken effect.

SEC. 14. Courts of common pleas and circuit courts, within their respective jurisdictions, shall have concurrent jurisdiction to hear and determine all complaints for the violation of any of the provisions of this act, and the grand juries of the several circuit courts shall have, and it is hereby made their duty to take cognizance of offenses against its provisions, as in cases of felonies.

SEC. 15. Justices of the peace within their respective counties, shall have jurisdiction to try and determine all cases arising under the provisions of this act: *Provided*, That if in the opinion of the justice or jury trying any such case, a fine of twenty-five dollars shall be an inadequate punishment for such violation, then the justice in such case, shall recognize the party in sufficient bond and surety, to appear at the next term of any court of competent jurisdiction, to answer said charge.

SEC. 16. All laws and parts of laws coming in conflict with any of the provisions of this act, be and the same are hereby repealed, but notwithstanding this act shall be so construed as to prohibit the common councils of cities, and the boards of trustees of incorporated towns, from demanding and enforcing a fee for

license from all keepers of coffee houses or other places where intoxicating liquors are sold and drank, within the limits of the respective corporations.

SEC. 17. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its publication in the Indiana State Sentinel and the Indiana State Journal.

Mr. Scott moved to recommit the bill and report to a select committee of seven, with Mr. Jones as chairman.

Mr. Prosser moved to lay the motion on the table.

Which was agreed to.

Mr. Austin moved to amend the amendment by inserting the following in lieu thereof:

That any place, saloon, eating-house, store, tavern, shop, boat, booth, tent, shed, wagon, house, out-house, yard, or appurtenance thereto, or other place of public resort or business, wherein, or at which, spirituous, intoxicating or malt liquors shall be either sold or bartered, directly or indirectly, to be drank in or about such place, saloon, eating-house, store, tavern, shop, boat, booth, shed, tent, wagon, house, out-house, yard, or appurtenance thereto, or other place of public resort or business, shall be, and the same is hereby declared to be a common and public nuisance.

SEC. 2. If the owner or keeper of any saloon, eating-house, store, tavern, shop, boat, booth, tent, shed, out-house, yard, or appurtenance thereto, or other place of public resort or business, shall suffer or allow spirituous, intoxicating or malt liquors to be drank in or about his or her saloon, eating house, store, tavern, shop, boat, booth, tent, shed, out-house, yard, or appurtenance thereto, or other place of public resort or business, except by members of his or her own family, or persons in his or her employ, he or she, so allowing said liquors to be drank as aforesaid, shall be guilty of maintaining a common and public nuisance.

SEC. 3. Every person who shall keep, continue or maintain, any such common and public nuisance or nuisances, as defined in sections one and two of this act, shall upon conviction thereof, be fined in any sum not less than twenty-five dollars for the first offence, and for the second, and subsequent offences, shall be fined in any sum not less than fifty dollars, each, to which may be added imprisonment in the county jail for any term of time not less than five days.

SEC. 4. If two or more persons of lawful age, and competent to testify, shall, upon written affidavit before any person authorized to administer oaths, state that a certain person, naming him or her, uses spirituous, intoxicating or malt liquors to excess, or to the neglect of his or her business, or to the injury of his or her family, it shall not be lawful for any person, having knowledge of



the making of such affidavit, either to give, barter or sell to such person named in such affidavit, spirituous, intoxicating or malt liquors in any quantity whatever; and if any person having knowledge of such affidavit, shall either give, barter or sell to such person named in such affidavit, any spirituous, intoxicating or malt liquors in any quantity whatever, unless the same should be prescribed by a physician in case of sickness, within twelve months after the filing of such affidavit as aforesaid, such person so giving, bartering or selling such liquor as aforesaid, to such person named in such affidavit, shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than ten dollars for the first offence, and for the second and all subsequent offences, shall be fined not less than twenty-five dollars in each case, to which may be added imprisonment in the county jail for any term of time not less than three days.

SEC. 5. If any person so named in the affidavit in the preceding section, shall be seen in a state of intoxication after the filing of such affidavit, it shall be the duty of any constable of a township, or marshal of a city, when notified that such person is or was intoxicated, to immediately arrest such person, and take him or her before some justice of the peace, or mayor of a city of the proper county, and such person shall be compelled to testify before such justice or mayor, as to who gave, bartered or sold, him or her such liquor, and upon his or her refusal to so testify, such justice or mayor shall have the power to compel him so to do by fine or imprisonment in the county jail, or both, at the discretion of such justice or mayor.

SEC. 6. Justices of the peace and mayors of cities shall have concurrent jurisdiction with the court of common pleas in the trial of all cases originating under the provisions of this act, and in trials before justices and mayors, fines to the extent of fifty dollars may be assessed, and also imprisonment in the county jail, not exceeding ten days.

SEC. 7. If any person shall be found in the street, or public highway, or in any other public place, in a state of intoxication, he shall be deemed guilty of a misdemeanor, and upon conviction, before any justice of the peace, or mayor of a city, shall be fined in any sum not less than one, nor more than three dollars for each offense.

SEC. 8. The attorney whose duty it is made by law to prosecute misdemeanors, shall, when informed by two or more persons, in writing, of the existence of any such nuisance as defined and designated by sections one, two and eleven of this act, or of any person being guilty of a misdemeanor as defined in sections four and seven of this act, immediately commence a prosecution against such person or persons so named, as being guilty of such misdemeanor, or maintaining such nuisance, by himself filing the affidavit on information, or procuring some other person so to do, before some court having jurisdiction of the offense, and to faith-



fully prosecute such person or persons upon such charge; and on his failure to commence such proceedings and faithfully prosecute the same against such person or persons, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in each case not less than one hundred dollars, to which may be added imprisonment in the county jail for any term of time not exceeding ten days. Nothing herein shall be so construed, as to prevent any person from filing an affidavit on which to base a prosecution, for a violation of any of the provisions of this act.

SEC. 9. The prosecuting attorney shall have no power to compromise or discontinue prosecutions commenced under this act, unless by consent of the court, and should he do so before such consent being first given, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than one hundred dollars, to which may be added imprisonment in the county jail for any term of time not exceeding ten days.

SEC. 10. The prosecuting attorney shall receive for his services under a docket fee of five dollars for each conviction under sections one, two, four and eleven, and also twenty per cent. on the amount of fine in each case, and in addition thereto, to be paid by the defendant. For all convictions under section seven (7) of this act he shall receive a docket fee of two dollars and fifty cents. For the collection of all forfeited recognizances under and by virtue of this act, he shall receive for his services a docket fee of twenty per cent. on the amount of such recognizance, and in addition thereto, to be paid by the recognizers.

SEC. 11. If any person, who is engaged in the sale or traffic of spirituous, intoxicating or malt liquors, shall permit or suffer any intoxicated or disorderly person or persons to be in or about his or her place of business, or if he or she shall resort to any device, by stained glass or otherwise, to conceal from those passing by what is transpiring therein, or shall erect any screen or device within such establishment for a like purpose, it shall be taken as conclusive evidence that such person is selling and allowing spirituous, intoxicating and malt liquors to be drank therein, in violation of the provisions of sections one and two of this act, and such place shall be, and the same is hereby declared to be a common and public nuisance, and upon conviction for keeping, continuing or maintaining such nuisance, such person shall be liable to the penalties prescribed in section three of this act.

SEC. 12. All laws, or parts of laws, upon the subject of vending spirituous, malt or intoxicating liquors, are hereby repealed.

SEC. 13. Appeals shall be allowed from all decisions under this act to the circuit court, the defendant giving bond or security in such sum as the court may prescribe.

SEC. 14. In the opinion of this Legislature an emergency exists for the immediate taking effect of this act, the same is therefore hereby declared to be in force from and after its passage.

Mr. Austin demanded the previous question ;  
Which was seconded.

The question being, shall the main question be now put ?  
It was so ordered.

The question being on the amendment to the amendment.

Messrs. Hartley and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Clark, Collier, Comstock, Cotton, For-  
dyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone,  
Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Mellett,  
Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Pow-  
er, Ritter, Robinson, Rynerson, Thompson of Elkhart, Treadway,  
Whetzel, Whiteman and Wildman—30.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Bowman, Boyd, Branham, Brotherton,  
Carr, Claypool, Clayton, Clements, Davisson, Davis, Dobbins,  
Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford,  
Griffin, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Kempf,  
Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey,  
Merrifield, Nelson, Newton, Parrett, Prosser, Row, Scott, Sher-  
man, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley,  
Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Madi-  
son, Turpie, Usrey, Waterman, Wheeler, Wood and Mr. Speak-  
er—60.

So the amendment was not agreed to.

The question then being on concurring in the report of the com-  
mittee, and adopting the proposed amendment.  
It was not agreed to.

The bill as amended was then ordered to be engrossed.

Mr. Prosser moved that the bill be considered as engrossed and  
read a third time now.

Mr. Mellett moved to lay the motion on the table.

Messrs. Austin and Dougherty demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Cavins, Comstock, Cotton, Davisson, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Hunter, Jefferis, Jordan, Major, Mellett, Miller, Murray, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Treadway, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—31.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Gifford, Hamilton of Boone, Harrison, Hartley, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Mansfield, Massey, Merrifield, Martin, Nelson, Newton, Parrett, Prosser, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Wheeler and Wood—55.

So the motion did not prevail.

The question pending being on the motion to consider the bill as engrossed and read a third time now.

On motion by Mr. Mellett,  
The House adjourned until 2 o'clock, P. M.

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2 O'CLOCK, P. M.

The House met.

The question pending at the adjournment being on considering House bill No. 35 as engrossed and reading a third time now ;  
Which was agreed to.

Mr. Mellett moved that the bill be laid on the table.

Mr. Prosser moved a call of the House.  
Which was ordered.



The Clerk proceeded with the call, and the following members answered to their names :

Messrs. Austin, Black, Blythe, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—90.

On motion by Mr. Mellett,  
The further call was dispensed with.

The question being on laying the bill on the table.

Messrs. Dougherty and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Brotherton, Clark, Cotton, Devol, Fordyce, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hunter, Jefferis, Johnston, Jordan, Mellett, Miller, Murray, Nebeker of Warren, Ritter, Scott, Sherman, Shockley, Stiles, Treadway, Waterman, Whetzel, Whiteman and Mr. Speaker—30.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Boxley, Branham, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Comstock, Davisson, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Griffin, Harrison, Hartley, Jones, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Martin, Nelson, Newton, Parrett, Parks, Prosser, Shields, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Usrey, Wheeler, Wildman and Wood—55.

So the motion did not prevail.

House bill No. 35 was then read a third time, and  
The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Boxley, Branham, Carr, Cavins, Clark, Clayton, Claypool, Clements, Comstock, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Griffin, Hartley, Jones, Kempf, Keefer, Knowlton, Lawhead, McLain, Major, Mansfield, Massey, Merrifield, Martin, Nelson, Newton, Parks, Parrett, Prosser, Row, Sherman, Shields, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Wheeler and Wood—50.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Brotherton, Colgrove, Cotton, Davisson, Devol, Edwards, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Hunter, Jefferis, Johnston, Jordan, Lewis, Mellet, Miller, Murray, Nebeker of Warren, Ritter, Scott, Shockley, Smith of Miami, Stiles. Summers, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman Wildman and Mr. Speaker.—37.

So the bill failed for want of a constitutional majority.

Mr. Usrey moved that the bill be put on its passage again ;  
Which was agreed to.

Mr. Murray moved that the bill be recommitted with instructions to strike out "one quart" and insert "one gallon."

Mr. Ritter moved the previous question ;  
Which was seconded.

The question being, shall the main question be now put ?  
It was so ordered.

The question being on recommitting with instructions.

Messrs. Murray and Prosser demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Brotherton, Carr, Cavins, Clark, Comstock, Cotton, Devol, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Knowlton, Murray, Martin, Parks, Ritter, Robinson,

Rynerson, Scott, Smith of Miami, Thompson of Elkhart, Treadway, Whetzel, Whiteman and Wildman—32.

*Those who voted in the negative were,*

Messrs. Baird, Black, Blythe, Bowman, Boxley, Branham, Claypool, Clayton, Clements, Colgrove, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Hancock, Hartley, Jones, Jordan, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Row, Shields, Shull, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wood and Mr. Speaker—52.

So the motion to recommit did not prevail.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Branham, Carr, Cavins, Clark, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hartley, Jones, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Martin, Nelson, Newton, Parks, Parrett, Prosser, Row, Shields, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Usrey, Wheeler and Wood—49.

*Those who voted in the negative were*

Messrs. Austin, Bowman, Brotherton, Boxley, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hunter, Jefferis, Johnston, Jordan, Mellett, Murray, Nebeker of Warren, Ritter, Robinson, Rynerson, Scott, Shockley, Smith of Miami, Stiles, Summers, Treadway, Turpie, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—38.

So the bill failed for want of a constitutional majority.

Mr. Nebeker of Warren obtained leave and introduced House bill

No. 337. A bill to repeal the latter clause of the fifth section of an act entitled "An act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855; and to revise the twenty-fifth section of an act entitled "An act pro-



viding for the organization of county boards, and prescribing some of their powers and duties," approved June 19, 1852.

Which was read a first time and passed to a second reading.

Mr. Dougherty obtained leave and offered the following resolution :

*Resolved*, That when the House adjourn, it shall be to meet again this evening a 7 o'clock.

Which was agreed to.

A message from the Governor by Mr. Osborne, executive messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bill :

Senate bill No. 112. An act to amend an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857 ; and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859.

Mr. Griffin, from the committee on engrossed bills, made the following report :

MR. SPEAKER:

The committee on engrossed bills have examined House engrossed bill No. 200, and find the same correctly engrossed.

Mr. Stanfield moved to take up the orders of the day ;  
Which was agreed to.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 101. A bill to authorize county treasurers to assess property which may be omitted by the assessors, and to legalize assessments heretofore made by treasurers.

Was read a second time and passed to a third reading.

Senate bill No. 134. A bill providing for the assessment of taxes for township library purposes.

Was read a second time, and

Referred to the committee on education.

Senate bill No. 187. A bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein, and to amend the fifteenth section of "an act to establish a Bank with branches," passed the Senate and House on the 3d day of March, A. D., 1855, the Governor's objections to the contrary notwithstanding.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 192. A bill to provide for the letting out to the lowest bidder the public printing, binding and other work connected therewith, to abolish the office of State Printer, and making the Secretary of State *ex-officio* superintendent of public printing, and repealing all laws conflicting herewith.

Was read a second time.

Mr. Stanfield moved to refer the bill to the committee on the judiciary.

Mr. Cavins moved to lay the motion to refer on the table.

Messrs. Prosser and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Comstock, Davisson, Devol, Edwards, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jordan, Mellett, Martin, Newton, Parks, Ritter, Robinson, Smith of Miami, Sullivan, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman and Mr. Speaker—35.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Harney, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Murray, Nelson, Parrett, Prosser, Row, Scott, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Wheeler, Wildman and Wood—50.

So the motion to lay on the table did not prevail.

The question being on referring the bill to the committee on the judiciary,

It was so referred.

Senate bill No. 178. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and matters properly connected therewith.

Was read a second time.

Mr. Comstock moved that the bill be laid on the table;  
Which was agreed to.

Mr. Dougherty moved to reconsider the vote just taken.

Mr. Austin moved to lay the motion to reconsider on the table;  
Which was not agreed to.

Mr. Comstock, by consent, then withdrew the motion to lay on the table.

The bill was then referred to the committee on roads.

Senate bill No. 82. A bill to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time, and

Passed to a third reading.

Mr. Devol offered the following instructions to the committee on the judiciary, to which was referred Senate bill No. 187:

To so amend said bill, that on the condition said number of branches is authorized to be established, said bank shall accept such a modification of its charter so that only one-fourth of its capital paid in can be used in making loans upon bills of exchange payable out of this State; the remaining portion be used for the purpose of discounting notes payable at some of the branches of said bank; and further, that said bank and branches thereof, shall not receive, contract for or take, by including exchange, or otherwise, directly or indirectly, any greater rate of interest than six per cent. per annum.

Mr. Davis moved to amend the instructions as follows, to-wit:

To inquire into the expediency of so amending the bill.

Messrs. Dougherty and Keefer demanded the ayes and noes.



*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Clark, Comstock, Cotton, Davisson, Davis, Hamilton of Wayne, Harrison, Jones, Knowlton, Lawhead, Lewis, Mansfield, Merrifield, Miller, Murray, Newton, Row, Scott, Shull, Smith of Miami, Smith of Perry, Stiles, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler and Mr. Speaker—32.

*Those who voted in the negative were,*

Messrs. Brotherton, Cavins, Claypool, Collier, Dobbins, Dougherty, Durham, Devol, Early, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hartley, Jordan, Keefer, Kelly, Kempf, Major, Massey, Martin, Nebeker of Warren, Nelson, Parks, Prosser, Ritter, Robinson, Rynerson, Shields, Shockley, Sullivan, Tebbs, Waterman, Whetzel, and Wood—36.

So the amendment was not adopted.

The question being on the original motion and instructions, Mr. Knowlton moved to lay the instructions on the table.

Messrs. Keefer and Parrett demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Branham, Claypool, Colgrove, Comstock, Davisson, Davis, Gregory, Hamilton of Wayne, Hancock, Johnston, Jones, Knowlton, Lawhead, Lewis, Mansfield, Merrifield, Murray, Nebeker of Warren, Newton, Robinson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Turpie, and Usrey—30.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Collier, Colton, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Hartley, Hunter, Jefferies, Jordan, Kelly, Kempf, McLain, Major, Massey, Murray, Martin, Nelson, Parks, Prosser, Ritter, Row, Rynerson, Shields, Shockly, Shull, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—55.

So the amendment was not laid on the table.

The question being on the adoption of the instructions offered by Mr. Devol,

Messrs. Dougherty and Martin demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boxley, Brotherton, Cavins, Clark, Clayton, Collier, Cotton, Dobbins, Dougherty, Durham, Devol, Early, For-  
dyce, Gifford, Hall of Rush, Hamilton of Boone, Harney, Hartley,  
Jefferis, Jordan, Kelly, Kempf, Major, Massey, Miller, Martin,  
Nelson, Parks, Prosser, Ritter, Row, Rynerson, Shields, Shockley,  
Shull, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart,  
Thompson of Madison, Waterman, Whetzel, Wood and Mr. Speak-  
er—46.

*Those who voted in the negative were,*

Messrs. Baird, Black, Blythe, Branham, Claypool, Clements, Col-  
grove, Comstock, Davisson, Davis, Edwards, Gregory, Griffin,  
Hamilton of Wayne, Hancock, Johnston, Jones, Lawhead, Lewis,  
McLain, Mansfield, Merrifield, Murray, Nebeker of Warren, New-  
ton, Power, Robinson, Scott, Sherman, Smith of Miami, Smith of  
Perry, Snyder, Stanfield, Stiles, Treadway, Turpie, Usrey, Wheel-  
er and Whiteman—39.

So the instructions were adopted.

Mr. Branham obtained leave, and introduced

House bill No. 338. A bill making general appropriations for  
the years 1859 and 1860, and the first quarter of the year 1861.  
Which was read a first time and passed to a second reading.

Mr. Smith of Perry obtained leave, and introduced

House bill No. 339. A bill to provide for the sale of the cer-  
tificates of stock in the State Debt Sinking Fund, and the appro-  
priation of the proceeds thereof to the payment of interest on the  
State debt, and of the current expenses of the State.

Was read a first time and passed to a second reading.

## SENATE BILLS ON SECOND READING RESUMED.

Senate bill No. 246. A bill authorizing the Treasurer of State  
to pay out moneys to aid the Indiana Historical Society, and to pro-  
vide checks and restrictions in the payment of the same.

Was read a second time and passed to a third reading.

Mr. Miller moved to suspend the order of business and take up  
House bill No. 293 ;

Which was agreed to.

No. 293. A bill fixing the time and mode of electing State

Printer, defining his duties, fixing his compensation, and repealing all laws coming in conflict with this act ;

Was taken up and read a third time ; and,

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boxley, Branham, Brotherton, Cavins, Clark, Clayton, Collier, Comstock, Cotton, Davissen, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Hamilton of Boone, and McLain—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Usrey obtained leave and introduced House bill

No. 340. A bill prescribing the time of holding the circuit court in the county of Sullivan, and to repeal all laws in conflict with this act.

Which was read a first time and passed to a second reading.

Mr. Branham, from the committee on ways and means, obtained leave and made the following report :

MR. SPEAKER:

The committee of ways and means, to whom was referred House bill No. 193, entitled "An act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," have amended the first section thereof, from the fifth line, so as to read as follows :

*First*—To the Governor, three thousand dollars.

*Second*—To the Treasurer of State, three thousand dollars.



*Third*—To the Auditor of State, two thousand five hundred dollars.

*Fourth*—To the Secretary of State, two thousand dollars.

*Fifth*—To the President of the Sinking Fund, three thousand dollars, to be paid out of the Sinking Fund.

*Sixth*—To the Governor's Private Secretary, five hundred dollars.

*Seventh*—To the Superintendent of Public Instruction, thirteen hundred dollars.

*Eighth*—To the State Librarian, eight hundred dollars.

*Ninth*—To the Superintendent of the Insane, twelve hundred dollars.

*Tenth*—To the Superintendent of the Deaf and Dumb, one thousand dollars.

*Eleventh*—To the Superintendent of the Blind, eight hundred dollars.

*Twelfth*—To the Warden of the State Prison, fifteen hundred dollars.

*Thirteenth*—To the Moral Instructor of the State Prison, eight hundred dollars.

*Fourteenth*—To the Physician of the State Prison, eight hundred dollars, to be paid out of the proceeds of the Prison.

*Fifteenth*—To the Adjutant and Quarter-Master Generals, each twenty-five dollars.

*Sixteenth*—To the Judges of the Supreme Court, each two thousand dollars.

*Seventeenth*—To the Judges of the Circuit Court, each fifteen hundred dollars.

*Eighteenth*—To the Judges of the Court of Common Pleas, each eight hundred dollars, to be paid out of the county treasuries in the manner prescribed by law, and out of the county funds.

*Nineteenth*—To the Prosecuting Attorneys, each five hundred dollars.

*Twentieth*—The Auditor of State is hereby authorized to employ two clerks at one thousand dollars each, per annum, and one clerk at six hundred dollars per annum; the Treasurer of State, one clerk at eight hundred dollars per annum, and the Secretary of State, one clerk at five hundred dollars per annum.

And the said committee have amended the second section of said bill to read as follows:

SEC. 2. The salaries allowed in section first, except the Physician of the State Prison, Judges of the Courts of Common Pleas, and the President of the Sinking Fund Board, shall be paid upon the warrant drawn by the Auditor of State on the first day of January, April, July and October in each year; and the said Physician, Judges of Courts of Common Pleas, and President of the Sinking Fund Board, shall be paid on said days out of their proper funds, as in said first section specified.

And the said committee have amended the third section by ad-

ding the following proviso thereto, at the end of said section : *Provided, also, That all fees, emoluments, perquisites, &c., that may be received by the said Sinking Fund Commissioners, shall be paid into the said Sinking Fund.*

The report was concurred in, and the amendments adopted.

Mr. Davis offered the following amendment :

Strike out "three thousand dollars" for the President of the Sinking Fund, and insert in lieu thereof "fifteen hundred dollars."

Mr. Prosser moved that the amendment be laid on the table.

The ayes and noes being demanded by Messrs. Davis and Murray,

*Those who voted in the affirmative were,*

Messrs. Baird, Branham, Brotherton, Collier, Comstock, Cotton, Davisson, Devo, Eastham, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Wayne, Hunter, Jones, Kelly, Lawhead, Lewis, Major, Mansfield, Mellett, Nebeker of Warren, Nelson, Newton, Power, Prosser, Ritter, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Tebbs, Thompson of Madison, Whiteman, Wildman and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Bowman, Boxley, Carr, Cavins, Clark, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Griffin, Hall of Rush, Hamilton of Boone, Harney, Harrison, Hartley, Jefferis, Johnston, Jordan, Kempf, Knowlton, McLain, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Parks, Parrett, Robinson, Row, Shull, Snyder, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel and Wood—52.

So the amendment was not laid on the table.

Mr. Dougherty moved to amend the amendment by inserting "two thousand dollars" in lieu of "fifteen hundred dollars."

Which was agreed to.

Mr. Ritter moved to amend by striking out "two thousand dollars" and inserting in lieu thereof "twenty-five hundred dollars."

Which was not agreed to.

The question being on the adoption of the amendment as amended,

It was agreed to.

H. J.—59.

Mr. Scott moved to amend the bill by striking out the "fourth, fifth, sixth, seventh, eighth and ninth sections."

Mr. Griffin moved the previous question,  
Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.

The question being on the amendment offered by Mr. Scott;  
Messrs. Hunter and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Bcone, Hamilton of Wayne, Harney, Hartley, Jefferies, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Whetzel, Whiteman, Wood and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Blythe, Branham, Claypool, Dougherty, Devol, Hall of Rush, Harrison, Hunter, Johnston, Major, Massey, Murray, Newton, Rynerson, Smith of Perry, Sullivan, Waterman and Wheeler—18.

So the amendment was adopted.

Mr. Devol offered the following amendment, to-wit:

"Amend so as to make the salaries of the Supreme Judges fifteen hundred dollars instead of two thousand, that is to say, strike out 'two thousand' and insert 'fifteen hundred.'"

Messrs. Murray and Devol demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Brotherton, Carr, Clayton, Cotton, Devol, Fordyce, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hartley, Hunter, Jefferies, Johnston, Major, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Robinson, Row, Shockley, Waterman, Whetzel, Whiteman and Mr. Speaker—29.



*Those who voted in the negative were,*

Messrs. Baird, Blythe, Boxley, Branham, Cavins, Clark, Claypool, Clements, Collier, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Gifford, Gregory, Griffin, Hamilton of Boone, Harney, Harrison, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Nelson, Newton, Parrett, Power, Prosser, Ritter, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler and Wood—62.

So the amendment was not agreed to.

Mr. Stiles offered the following amendment, to-wit :

Amend by striking out of that clause of the bill fixing the salary of the Treasurer of State at three thousand dollars, the words "three thousand," and inserting "two thousand" in lieu thereof."

Mr. Edwards moved to amend the amendment so as to pay the State Treasurer "five thousand dollars" per annum.

Mr. Murray moved to lay the amendment to the amendment on the table.

Which was agreed to.

Mr. Edwards moved to lay the amendment on the table.

Messrs. Murray and Stiles demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Boxley, Branham, Brotherton, Claypool, Clements, Colgrove, Davisson, Davis, Dobbins, Dougherty, Durham, Edwards, Firestone, Gifford, Hall of Grant, Harney, Harrison, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, Mansfield, Massey, Miller, Nebeker of Vermillion, Nelson, Newton, Parrett, Prosser, Scott, Sherman, Shull, Smith of Miami, Smith of Perry, Snyder, Sullivan, Tebbs, Turpie, Usrey, Wheeler and Thompson of Madison—44

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Bowman, Carr, Cavins, Clark, Clayton, Collier, Comstock, Cotton, Devo, Fordyce, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Kempf, McLain, Major, Mellett, Murray, Martin, Nebeker of Warren, Parks, Power, Ritter,

Robinson, Row, Rynerson. Shields, Shockley, Stanfield, Stiles, Summers, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wood and Mr. Speaker—47.

So the amendment was not laid on the table.

The question being on the adoption of the amendment offered by Mr. Stiles,

Messrs. Edwards and Colgrove demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boxley, Carr, Cavins, Clark, Clayton, Collier, Comstock, Cotton, Davisson, Devel, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hariley, Hunter, Jefferis, Johnston, McLain, Mellett, Murray, Martin, Nebeker of Warren, Nelson, Parks, Power, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Shull, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Turpie, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Baird, Branham, Brotherton, Claypool, Clements, Colgrove, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Gifford, Harney, Harrison, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, Mansfield, Massey, Miller, Nebeker of Vermillion, Newton, Parrett, Scott, Sherman, Smith of Perry, Snyder, Sullivan, Summers, Tebbs, Thompson of Madison, and Usrey—38.

So the amendment was adopted.

On motion by Mr. Turpie,  
The House adjourned until 7 o'clock, P. M.

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7 o'clock, P. M.

The House met.

Leave being granted,

Mr. Blythe moved to take up the message from the Senate containing House bill No. 28;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House, with sundry engrossed amendments, viz :

No. 28. A bill providing for the use as evidence, of depositions taken to perpetuate testimony, prior to the taking effect of the Revised Statutes of 1852, and for the publication and recording of depositions heretofore taken, or hereafter to be taken, to perpetuate testimony, and for the use of such record and copies thereof as evidence.

Also,

No. 103. A bill to amend the 49th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855, and to legalize the acts of certain officers therein named.

In which amendments the concurrence of the House is respectfully requested.

On motion by Mr. Blythe,

The engrossed amendments of the Senate to House bill No. 28, was concurred in.

On motion,

The engrossed amendments of the Senate to House bill No. 103, was concurred in.

Leave being granted,

Mr. Lawhead moved to take up the message from the Senate containing Senate bills Nos. 104 and 266;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the Senate :



No. 104. A bill to amend the first section of "an act in relation to plank, McAdamized, tram and gravel road companies," approved March 1, 1855, and supplemental thereto, so as to enable corporations or companies to take possession of unfinished portions of said road, and complete the same where the original corporation has failed to complete it, to prevent any company or corporation, when about to abandon any such road, from removing any material used in its construction, providing for enjoining the removal of the same, and to provide for the working of such abandoned road.

Senate bill No. 266. A bill to amend section nineteen of an act entitled "an act regarding estrays and articles adrift," approved June 16, 1852.

In which the concurrence of the House is respectfully requested.

Senate bills No. 104 and No. 266, contained in the foregoing message, were each read a first time, and passed to a second reading.

The question being on ordering House bill No. 193 to be engrossed, (which was pending at the adjournment;)

It was so ordered.

Mr. Brotherton, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House No. 134 with engrossed copy thereof, and find the same correctly enrolled.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following enrolled bill of the House :

No. 195. A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of the public moneys.

The Governor's veto to the contrary notwithstanding.

## SENATE BILLS ON SECOND READING.

Senate bill No 212. A bill granting permission to the Trustees of the Wabash and Erie Canal to rent or lease the same, and matters properly connected therewith.

Was read a second time.

Mr. Edwards moved to refer the bill to the committee on the judiciary.

Mr. Austin moved that the bill be indefinitely postponed.

Mr. Collier moved the previous question;  
Which was seconded.

The question being shall the main question be now put?  
It was so ordered.

The question being on the motion to indefinitely postpone the bill.

Messrs. Austin and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boxley, Carr, Clark, Collier, Dobbins, Dougherty, Durham, Early, Eastham, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Jefferis, Jones, Jordan, Lewis, Murray, Nelson, Parks, Ritter, Shields, Shockley, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey and Wood—39.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Branham, Brotherton, Cavins, Claypool, Clements, Colgrove, Comstock, Cotton, Davis, Edwards, Firestone, Hunter, Johnston, Kelly, Kempf, Knowlton, Lawhead, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Nebeker of Warren, Newton, Parrett, Power, Row, Scott, Shull, Sherman, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Elkhart, Waterman, Wheeler, Whetzel, and Mr. Speaker—42.

So the bill was not indefinitely postponed.

The question being on referring the bill to the committee on the judiciary.

Messrs. Austin and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Branham, Brotherton, Cavins, Claypool, Clements, Colgrove, Comstock, Davis, Dougherty, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hunter, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Nebeker of Warren, Parrett, Power, Ritter, Robinson, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Elkhart, Thompson of Madison, Waterman, Wheeler, Whetzel and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Austin, Black, Bowman, Boxley, Carr, Clark, Clayton, Collier, Durham, Griffin, Hamilton of Wayne, Hartley, Jefferis, Jordan, Lewis, Murray, Nelson, Parks, Shields, Snyder, Sullivan, Summers, Tebbs, Treadway, Turpie, Usrey and Wood—28.

So the bill was referred to the committee on the judiciary.

Mr. Hunter offered the following instructions:

Strike out the second section, and insert the following:

“The State of Indiana, having a redemptionary interest in said canal, hereby consents, if such consent be necessary, that the bondholders, or persons entitled to the benefit of said trust, may authorize the trustees of said Wabash and Erie canal to rent or lease the said canal, or such portion thereof as they may deem advisable, for the use and benefit of the trust created by said acts, to any responsible person or persons, company or corporation.”

Mr. Davis moved to amend the instructions by prefixing the following, to-wit:

“To inquire whether the interests of the State will not be better protected by amending the bill as follows:”

Mr. Austin moved that the amendment be laid on the table.

Messrs. Austin and Murray demanded the ayes and noes.

*Those who voted in the affirmative were*

Messrs. Austin, Black, Bowman, Boxley, Carr, Clark, Clayton, Collier, Dobbins, Gifford, Gregory, Griffin, Hamilton of Wayne, Hunter, Jefferis, Jones, Jordan, Lewis, Murray, Nelson, Ritter, Shields, Snyder, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman and Wood—31.



*Those who voted in the negative were,*

Messrs. Baird, Blythe, Branham, Brotherton, Cavins, Claypool, Clements, Colgrove, Comstock, Davis, Davisson, Dougherty, Devol, Edwards, Fordyce, Firestone, Hall of Rush, Hancock, Johnston, Kelly, Knowlton, Lawhead, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Nebeker of Warren, Parks, Parrett, Power, Robinson, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Elkhart, Wheeler, Whetzel and Mr. Speaker—45.

So the motion to lay on the table did not prevail.

The question being on the adoption of the amendment offered by Mr. Davis.

Messrs. Austin and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Branham, Brotherton, Cavins, Claypool, Clements, Comstock, Davis, Dougherty, Devol, Edwards, Firestone, Fordyce, Hancock, Johnston, Lawhead, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Nebeker of Warren, Parks, Parrett, Power, Robinson, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Elkhart, Waterman, Wheeler, Whetzel and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Austin, Black, Bowman, Boxley, Carr, Clark, Clayton, Collier, Dobbins, Gifford, Gregory, Hall of Grant, Hall of Rush, Hartley, Hunter, Jefferis, Jones, Jordan, Kelly, Lewis, Murray, Nelson, Ritter, Shields, Snyder, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey and Wood—33.

So the amendment was adopted.

The question then being on the adoption of the instructions as amended.

Messrs. Austin and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Branham, Brotherton, Cavins, Claypool, Clements, Colgrove, Comstock, Davis, Dougherty, Devol, Edwards, Firestone, Fordyce, Hall of Rush, Hancock, Johnston, Kelly, Lawhead, McLain, Mansfield, Massey, Merrifield, Miller, Neb-

eker of Warren, Parks, Parrett, Power, Ritter, Robinson, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Turpie, Waterman, Wheeler and Whetzel—42.

*Those who voted in the negative were*

Messrs. Austin, Black, Bowman, Boxley Carr, Clark, Clayton, Collier, Dobbins, Early, Gifford, Gregory, Griffin, Hamilton of Wayne, Hartley, Hunter, Jefferis, Jones, Jordan, Knowlton, Lewis, Mellett, Murray, Nelson. Shields, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Wood and Mr. Speaker—36.

So the instructions were adopted.

Mr. Robinson offered the following additional instructions :

Inquire whether the State does not virtually relinquish the right to compel the present holders of the canal to keep it in repair, by granting them an unconditional right to leave it. Whether the State could compel the lessees to keep it in repair, and if not, whether it can compel the present holders to do so, after giving them the right to leave the canal without reserving this right.

Pending which,

The House being in a confused state,

The Speaker declared the House adjourned till to-morrow morning at 9 o'clock.

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WEDNESDAY MORNING, 9 o'clock, }  
March 2, 1859. }

The House met.

On motion by Mr. Murray,  
The reading of the journal was dispensed with.

Mr. Stanfield moved to correct the journal of the 25th of February, by inserting in the proper place the counties of Randolph, Delaware, and Blackford, as one district.

Mr. Stanfield moved that the Clerk be directed to report to the Senate the engrossed amendments of the House to Senate bill No. 102, as corrected ;

Which was agreed to.

Mr. Parks obtained leave and presented,

A petition signed by sundry citizens of Marshall county in reference to a change of the 13th article of the Constitution.

Mr. Parks moved to refer the petition to a select committee of five ;

Which was agreed to.

The Speaker appointed Messrs. Parks, Robinson, Boxley, Nebeker of Warren and Jefferis said committee.

Mr. Griffin, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bills Nos. 321, 215 and 310, and find them correctly engrossed.

A message from the Governor, by Mr. Osbourne, Executive Messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bill :

Senate bill No. 62. An act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bills :



House bill No. 221. An act to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms, and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed.

House bill No. 134. An act to amend the first section of an act entitled "an act concerning real property, and the alienation thereof," approved May 6, 1852.

Mr. Brotherton, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have examined enrolled bills of the House Nos. 103 and 28. and find them correctly enrolled.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has concurred in the engrossed amendments of the House to Senate bill No. 102, "A bill to amend the third section of an act entitled 'an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof,' and repealing sections 29 and 38 of said act."

A message from the Governor by Mr. Osbourne, Executive Messenger.

MR. SPEAKER :

I am directed by the Senate to bring to the House, for the signature of the Speaker thereof, enrolled act of the Senate

No. 51. An act for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people

Message from the Governor by Mr. Osborne, Executive Messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bill :

House bill No. 221. An act fixing the time for holding the circuit court in the twelfth judicial circuit, regulating the terms thereof, and repealing all laws inconsistent therewith.

Mr. Murray moved to suspend the order of business and take up bills on third reading ;

Which was agreed to.

#### SENATE BILLS ON THIRD READING.

No. 203. A bill to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers.

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hunter, Jefferis, Johnston, McLain, Major, Mansfield, Massey, Mellett, Nelson, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanley, Treadway, Usrey, Whetzel, Whiteman and Mr. Speaker—47.

*Those who voted in the negative, were,*

Messrs. Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Devol, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harrison, Hartley, Jones, Keefer, Kelly, Kempf, Knowlton, Lewis, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Newton, Shockley, Shull, Snyder, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Waterman, Wheeler, Wildman and Wood—42.

So the bill failed for want of a constitutional majority.

Senate bill No. 82. A bill to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State ; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dob-

bins, Dougherty, Eastham, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Harrison, Hunter, Jefferis, Kelly, Mansfield, Miller, Murray, Martin, Nebeker of Vermillion, Parks, Power, Prosser, Ritter, Robinson, Row, Sherman, Shields, Shockley, Smith of Miami, Treadway, Turpie, Usrey, Whetzel, Whiteman, Wildman and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Blythe, Boyd, Branham, Claypool, Early, Edwards, Hamilton of Boone, Hancock, Hartley, Johnston, Jones, Kempf, Lewis, McLain, Merrifield, Nelson, Newton, Shull, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Wheeler and Wood—28.

So the bill failed for want of a constitutional majority.

Mr. Branham moved that Senate bill No. 203 be taken up, and put again on its passage ;

Which was agreed to.

Senate bill No. 203 was taken up, and  
The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brother-ton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Davis, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hunter, Jefferis, Johnston, Jones, Kempf, Lewis, McLain, Major, Mansfield, Massey, Miller, Nebeker of Vermillion, Nelson, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stiles, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Harney, Harrison, Hartley, Jordan, Keefer, Kelly, Knowlton, Merrifield, Murray, Newton, Shockley, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Wheeler and Wood—29.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.



Senate bill No. 101. A bill to authorize county treasurers to assess property which may be omitted by assessors, and to legalize assessments heretofore made by treasurers.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, and Mr. Speaker—84.

No one voting in the negative.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Leave being granted,

Mr. Branham moved to reconsider the vote on ordering House bill No. 193 to be engrossed;

Which was agreed to.

Mr. Branham moved to reconsider the vote on the amendment to the clause fixing the salary of the Treasurer of State, by striking out "\$3,000" and inserting "\$2,000;"

Which was agreed to.

The question then being on the adoption of the amendment,  
It was not agreed to.

Mr. Snyder moved to reconsider the vote amending the clause fixing the salary of the President of the Board of the Sinking Fund Commissioners, by striking out "three thousand dollars" and inserting "two thousand dollars;"

Which was agreed to.

The question being on the adoption of the amendment.

Messrs. Murray and Harrison demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Bowman, Boxley, Cavins, Davis, Dougherty, Early, Firestone, Gifford, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hunter, Jefferis, Jordan, Massey, Murray, Martin, Parks, Robinson, Rynerson, Stanley, Stanfield, Sullivan, Summers, Thompson of Elkhart, Treadway, Waterman, Wheeler and Wood—30.

*Those who voted in the negative were,*

Messrs. Baird, Black, Boyd, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Durham, Devol, Eastham, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Harney, Hartley, Johnston, Jones, Keeler, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain Major, Mansfield, Merrifield, Nebeker of Vermillion, Nelson, Newton, Power, Prosser, Ritier, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stiles, Tebbs, Thompson of Madison, Turpie, Usrey, Whetzel, Whiteman, Wildman and Mr. Speaker—61.

So the amendment was not agreed to.

Mr. Blythe moved to amend by making the salary of the judges of the supreme court twenty-five hundred, instead of two thousand dollars, and the salary of the judges of the circuit court two thousand, instead of fifteen hundred dollars.

Messrs. Hamilton of Boone and Blythe demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Brotherton, Claypool, Clements, Collier, Davis, Dobbins, Durham, Early, Eastham, Edwards, Firestone, Gifford, Harrison, Jones, Kempf, Knowlton, Lawhead, Lewis, Mellett, Merrifield, Murray, Nelson, Newton, Power, Prosser, Scott, Sherman, Smith of Perry, Snyder, Stanfield, Stiles, Tebbs, Thompson of Madison, Usrey, Whiteman and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Clark, Clayton, Colgrove, Comstock, Cotton, Davisson, Dougherty, Devol, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Harney, Hun-

ter, Jefferis, Johnston, Jordan, Keefer, McLain, Major, Mansfield, Massey, Martin, Nebeker of Vermillion, Parks, Ritter, Row, Ryner, Shields, Shockley, Shull, Smith of Miami, Stanley, Sullivan, Summers, Thompson of Elkhart, Treadway, Turpie, Waterman, Wheeler, Whetzel, Wildman and Wood—54.

So the amendment was not adopted.

Mr. Harrison offered the following amendment, viz :

Until the 1st day of October, 1860, then after that period the salary of the common pleas judges shall be twelve hundred dollars a year each.

Mr. Shull moved to lay the amendment on the table;  
Which was not agreed to.

The question recurring on the adoption of the amendment;  
It was not agreed to.

Mr. Dougherty moved to amend the bill by striking out all in relation to the salaries of common pleas judges;  
Which was agreed to.

Mr. Cavins offered the following amendment :

Amend by adding the following sections in lieu of sections four, five, six and seven, which have been stricken out :

SEC. 4. For the purpose of reimbursing the State and the several counties, against the expense of the judiciary, it is further enacted, that in every civil action of any description in any court of common pleas or circuit court, or case on appeal from a justice of the peace or board of county commissioners to such courts, or making a confession of judgment in said courts, a docket fee of one dollar shall be taxed with the other costs, and recovered from the losing party.

SEC. 5. In every case of appeal from either of said courts, or from a judge in vacation to the supreme court, a docket fee of four dollars shall be taxed with the other costs, and recovered from the losing party.

SEC. 6. Each clerk of the circuit or common pleas courts, within thirty days after the collection of the same, shall pay to the treasurer of his county all docket fees received by him on account of the business of said courts, and shall take his receipt therefor, and the treasurer shall hold the fees received from the common pleas court for the use of the county, and shall pay those received from the circuit into the State treasury, at his annual settlement for State revenue.

H. J.—60.



SEC. 7. The clerk of the supreme court shall, within thirty days after the collection of the same, pay into the treasury of State all docket fees received by him on account of the business of said court, and take his receipt therefor.

Messrs. Hunter and Dougherty demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Cavins, Claypool, Comstock, Cotton, Davissen, Dobbins, Dougherty, Durham, Devol, Eastham, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Hunter, Jefferis, Johnston, Kelly, Kempf, Major, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Power, Prosser, Ritter, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stanley, Stiles, Sullivan, Thompson of Elkhart, Waterman, Wheeler, Whetzel, Wildman and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Bowman, Blythe, Boxley, Branham, Brotherton, Carr, Clark, Clayton, Clements, Colgrove, Collier, Davis, Early, Edwards, Gregory, Griffin, Hancock, Harrison, Hartley, Jones, Jordan, Keefer, Knowlton, Lewis, McLain, Mansfield, Mellett, Merrifield, Nelson, Newton, Parks, Parrett, Row, Shockley, Stanfield, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Whiteman and Wood—45.

So the amendment was adopted.

Mr. Dougherty moved to amend by striking out "five hundred dollars," as the salary of the clerk of the Secretary of State, and insert in lieu thereof "eight hundred dollars."

Which was agreed to.

Mr. Branham moved that the bill be considered as engrossed, and read a third time now:

Mr. Clements moved the previous question;  
Which was seconded.

The question being, shall the main question be now put?  
It was agreed to.

The question being on the motion to consider the bill as engrossed, and read a third time now;  
It was agreed to.

House bill No. 293. A bill relative to the salaries of public offi

cers, and providing the manner of paying the same, and the manner of reimbursing the State for the increase in salaries.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Branham, Brotherton, Cavins, Clark, Claypool, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Devol, Eastham, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Harney, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Mansfield, Mellett, Miller, Nelson, Parrett, Power, Prosser, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stiles, Sullivan, Tebbs, Whetzel, Whiteman, Wildman and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Carr, Clayton, Davis, Durham, Early, Griffin, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Jordan, Keefer, Major, Massey, Murray, Martin, Nebeker of Vermillion, Parks, Ritter, Robinson, Rynerson, Shockley, Stanley, Stanfield, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler and Wood—41.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Clements moved to suspend the order of business, and take up the message from the Senate containing House bill No. 267 ;  
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House :

House bill No. 267. A bill prescribing the time of holding, and the length of terms of the courts in the third judicial circuit.

With the following engrossed amendment of the Senate thereto:

In line eleven, strike out "Pike" and insert "Martin;" in line thirteen, strike out "Martin" and insert "Pike;" in line fourteen, strike out "Daviss" and insert "Martin."

In which the concurrence of the House is respectfully requested.

On motion by Mr. Clements,

The engrossed amendments of the Senate to House bill No. 267, contained in the foregoing message, was concurred in.

#### HOUSE BILLS ON THIRD READING.

No. 56. A bill to repeal an act entitled "an act to establish courts of common pleas, and defining the jurisdiction of, and duties of, and providing for the judges thereof," approved May 14th, 1852.

Was read a third time.

Mr. Stiles moved that the bill be laid on the table;

Messrs. Colgrove and Dougherty demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Boxley, Carr, Collier, Clements, Comstock, Cotton, Davisson, Durham, Dobbins, Eastham, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, McLain, Massey, Mellett, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Ryner-son, Scott, Shields, Shockley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Boyd, Branham, Brotherton, Cavins, Clark, Colgrove, Davis, Dougherty, Devol, Early, Edwards, Griffin, Hancock, Harrison, Lawhead, Lewis, Major, Mansfield, Merrifield, Martin, Prosser, Row, Shull, Smith of Perry, Stanley, Sullivan, Usrey and Waterman—55.

So the bill was laid on the table.

No. 263. A bill to amend section thirty-seven of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852, so as to define other misdemeanors and prescribe punishment therefor;

Was taken up.

Mr. Cavins moved that the bill be laid on the table.

Which was agreed to.



No. 89. A bill to amend the third section of "an act to incorporate the town of Peru," approved February 14, 1848;  
Was read a third time.

Mr. Smith of Miami offered the following amendment:

Add the following section to the bill—

SEC. —. Whereas, there is no law now in force requiring the mayor and council of said town to let the office of surveyor to the lowest bidder, it is declared that an emergency exists for the immediate taking effect of this act; it shall therefore be in full force and effect from and after its passage; and it is hereby made the duty of the Secretary of State to transmit a copy of the same to the mayor of said town.

Which was unanimously consented to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Hamilton of Boone, Hancock, Harrison, Keefer, and Row—4.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 21. A bill providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same;

Was read a third time.

Pending the consideration of which,

On motion by Mr. Hamilton of Boone,  
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Hamilton of Boone moved a call of the House ;  
Which was ordered.

The Clerk proceeded with the call, when the following members answered to their names :

Messrs. Austin, Baird, Blythe, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Parks, Parrett, Prosser, Ritter, Robinson, Row, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, and Mr. Speaker—82.

The question pending at the adjournment being, shall House bill No. 21 pass?

Mr. Keefer moved the previous question ;  
Which was seconded.

The question being shall the main question be now put ?  
It was so ordered.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Carr, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Eastham, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Jefferis, Jones, Keefer, Kelly, Kempf, Lewis, McLain, Mansfield, Massey, Murray, Parrett, Power, Prosser, Ritter, Robinson, Scott, Shockley, Shull, Smith of Miami, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Wheeler, Whetzel, Whiteman and Wildman—55.

*Those who voted in the negative were,*

Messrs. Baird, Black, Blythe, Brotherton, Cavins, Claypool, Clements, Davis, Edwards, Hancock, Harrison, Hartley, Hunter, Jordan, Major, Merrifield, Miller, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Row, Sherman, Shields, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Turpie, Waterman, Wood and Mr. Speaker—34.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House without amendment :

House bill No. 156. "An act authorizing appeals from the circuit courts to the supreme court in contested election cases."

Message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, without amendment, to-wit :

House bill No. 221. A bill fixing the time for holding the circuit courts in the 12th Judicial Circuit, regulating the terms thereof, and repealing all laws inconsistent therewith.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House enrolled Senate bill No. 62, for the signature of the Speaker thereof.

Mr. Parks, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined engrossed bills



of the House No. 191 and No. 254, compared them with the originals, and find the same correctly engrossed.

A message from the Governor by Mr. Osborne, executive messenger.

**MR. SPEAKER :**

I am directed by the Governor to inform the House that he has approved and signed the following bills :

House bill No. 28. An act providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the Revised Statutes of 1852, and for the publication and recording of depositions hertofore taken to perpetuate testimony and for the use of such record and copies thereof as evidence.

House bill No. 267. An act prescribing the time of holding and the length of terms of the courts in the third judicial circuit.

House bill No. 103. An act to amend the 49th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855, and to legalize the acts of certain officers therein named.

Mr. Brotherton, from the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have examined and compared enrolled bill of the House No. 156, with the engrossed copy thereof, and find the same correctly enrolled.

Message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed to bring to the House Senate bill No. 102, for the signature of the Speaker thereof.

Message from the Governor by Mr. Osborne, executive messenger:

**MR. SPEAKER :**

I am directed by the Governor to inform the House that he has approved and signed the following bill :

House bill No. 156. An act authorizing appeals from circuit courts to the supreme court in contested election cases.

Mr. Stanfield moved to suspend the order of business in order to make a report from the committee on the judiciary.

Messrs. Dougherty and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Branham, Claypool, Colgrove, Comstock, Davis, Durham, Eastham, Edwards, Fordyce, Gregory, Griffin, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Lawhead, McLain, Mansfield, Mellett, Murray, Nebeker of Vermillion, Nelson, Newton, Power, Robinson, Sherman, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanfield, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whiteman and Wildman—43.

*Those who voted in the negative were,*

Messrs. Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Collier, Cotton, Dobbins, Dougherty, Devol, Firestone, Gifford, Hall of Rush, Hamilton of Boone, Hancock, Jordan, Keefer, Kelly, Lewis, Major, Massey, Miller, Martin, Parks, Parrett, Prosser, Ritter, Row, Shields, Skull, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Waterman, Whetzel, Wood and Mr. Speaker—42.

So the rule was suspended.

Mr. Stanfield, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred Senate bill No. 187. A bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein, and to amend the fifteenth section of "an act to establish a Bank with branches," passed the Senate and House on the 3d day of March, A. D., 1855, the Governor's objections to the contrary notwithstanding," with sundry instructions, have had the same under consideration and prepared in obedience to said instructions the following amendments, to-wit:

Sec. —. No branch shall use in making loans upon bills of exchange payable out of this State more than one-fourth of its capital, the remaining portion to be used for the purpose of discount-

ing notes payable at such branch, and shall not contract for or take by exchange or otherwise, directly or indirectly, any greater rate of interest than six per cent. per annum ;

Which the committee recommend be laid upon the table and in lieu thereof the committee recommend the following amendments, to-wit:

Amend by striking out section two and by inserting in lieu thereof the following :

Sec. 2. That the several branches of the Bank of the State of Indiana shall be taxed upon the full amount of their capital stock, subscribed and paid in, and shall be subject to the same rate of taxation on said stock for State, county and municipal purposes, as is assessed upon other personal property, and the stock of other moneyed corporations in the State of Indiana for State, county and municipal purposes, which shall be assessed to the branches and paid by such branch instead of being paid by the stockholders.

Sec. —. Section 15 of an act entitled “an act to establish a Bank with branches,” passed March 3, 1855, is hereby repealed.

Sec. —. It shall not be lawful for the said bank or any of its branches to issue bank notes for circulation upon deposits, anything in the charter of incorporation of said bank to the contrary notwithstanding.

Amend the title by adding :

“To prescribe the mode of taxing the stock of said bank ; to repeal the 15th section of its charter, and to prohibit said bank from issuing notes for circulation on its deposits.”

And when so amended the committee recommend the passage of the bill.

Mr. Dobbins moved to lay the bill, report and pending amendments on the table.

Messrs. Hamilton of Boone and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Collier, Dobbins, Dougherty, Devol, Eastham, Firestone, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Hartley, Jordan, Keefer, Kelly, Lewis, Major, Massey, Mellett, Martin, Nelson, Parks, Prosser, Ritter, Shields, Shockley, Shull, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Waterman, Whetzel and Wood—14.



*Those who voted in the negative were,*

Messrs. Baird, Black, Blythe, Brianham, Claypool, Colgrove, Comstock, Cotton, Davisson, Davis, Edwards, Fordyce, Gregory, Harrison, Hunter, Jefferis, Johnston, Jones, Kempf, Knowlton, Lawhead, Mansfield, Murray, Nebeker of Vermillion, Newton, Row, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whiteman, Wildman and Mr. Speaker—42.

So the motion prevailed.

Mr. Stiles moved to suspend the order of business and take up House bill No. 337.

Which was not agreed to.

No. 218. A bill to fix the time for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and repeal all other laws or parts of laws inconsistent with this act.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clayton, Clements, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Harrison, Hartley, Hunter, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Prosser, Power, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker—74.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

#### SENATE BILLS ON THIRD READING.

Senate bill No. 172. A bill to fix the time of holding the circuit court in the first judicial circuit, and repealing all laws in conflict therewith;

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Keef-er, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Power, Prosser, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—74.

No person voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

#### HOUSE BILLS ON THIRD READING.

No. 226. A bill to amend section eight of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Bowman, Boxley, Carr, Cavins, Clark, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—78.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 325. A bill to fix the times of holding the Cass court of common pleas ;

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Bowman, Boxley, Brotherton, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Wildman, Wood and Mr. Speaker—82.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 245. A bill to authorize deeds and mortgages heretofore acknowledged before county auditors, to be recorded, and authorizing the same and also the record thereof, to be read in evidence, making such record notice to third persons and making such conveyances valid.

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Bowman, Boxley, Brotherton, Cavins, Claypool, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott,



Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—86.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 117. A bill to amend section fifteen, and to repeal section twenty-seven to thirty-eight inclusive of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852, so as to give boards of county commissioners jurisdiction as to the change, laying out and vacating of highways, in their respective counties, saving and transferring all business now pending before township trustees, under said sections so repealed, to the boards of county commissioners, and providing for the disposition thereof.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Bowman, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferies, Jones, Jordan, Kempf, Lawhead, Lewis, Major, Mansfield, Martin, Nelson, Newton, Parks, Parrett, Prosser, Robinson, Row, Rynerson, Shockly, Stanfield, Sullivan, Summers, Treadway, Usrey, Wildman and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Austin, Clements, Comstock, Cotton, Davisson, Johnston, Kelly, Knowlton, McLain, Massey, Merrifield, Murray, Nebeker of Vermillion, Power, Ritter, Scott, Shields, Shull, Smith of Miami, Smith of Perry, Stanley, Stiles, Tebbs, Thompson of Elkhart, Turpie, Wheeler, Whetzel, Whiteman and Wood—29.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

No. 215. A bill to provide for the locating and working of highways, situated upon county lines.

Was read a third time, and

On motion by Mr. Harney,  
Was passed over informally.

No. 191. A bill to authorize jurors to be summoned from an adjoining county, to try criminal cases in certain cases, and providing compensation for their services.

Was read a third time, and

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Cavins, Claypool, Davis, Devol, Harrison, Hunter, Mellett, Parks, Ritter, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Turpie and Mr. Speaker—18.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Brotherton, Carr, Clark, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Jefferis, Jones, Keefer, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Murray, Martin, Nebeker of Vermillion, Nelson, Parrett, Prosser, Robinson, Row, Rynerson, Scott, Shockley, Shull, Snyder, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Whetzel, Whiteman and Wood—63.

So the bill was lost.

House bill No. 215 was taken up, and

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Tread-

way, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—80.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Leave being granted,

Mr. Usrey moved to take up House bill No. 340, on second reading ;

Which was agreed to.

No. 340. A bill prescribing the time of holding the circuit court in the county of Sullivan, and to repeal all laws in conflict with this act.

Which was read a second time and ordered to be engrossed.

No. 254. A bill making the register of sales of Michigan road lands and certified copies of sections therein evidence, and declaring the effects thereof, and making the records of patents and certificates of purchase and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof.

Was read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Power, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stites, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—80.

Mr. Colgrove and Mr. Scott voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.



Mr. Blythe obtained leave and offered the following resolution :

**WHEREAS**, the engrossed copy of House bill No. 93. A bill to amend the 6th section, and the third clause of the 7th section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852. And also the engrossed copy of the Senate's amendment thereto, have been lost or mislaid; therefore,

*Resolved*, That a re-engrossment of said bill and amendment be, and the same is hereby ordered ; and when so done, the same shall be delivered to the committee of conference, heretofore appointed on the part of this House, on the disagreement to the sixth amendment of the Senate to said bill.

Which was agreed to.

House bill No. 2 was taken up, and

On motion by Mr. Stanfield,  
Was laid on the table.

No. 248. A bill supplementary to an act to authorize and regulate the business of general banking, approved March 3, 1855. authorizing the Auditor and Treasurer of State to surrender the securities and moneys deposited in certain cases.

Was read a third time.

Mr. Keefer moved the previous question ;  
Which was seconded.

The question being, shall the main question be now put ?  
It was so ordered.

The question being, shall House bill No. 245 pass ?

*Those who voted in the affirmative were*

Messrs. Austin, Brotherton, Clark, Hall of Grant, Mellett, Murray, Parks, Ritter, Robinson, Stanfield, Tebbs, Thompson of Elkhart and Mr. Speaker—13.

*Those who voted in the negative were,*

Messrs. Black, Blythe, Boyd, Boxley, Carr, Cavins, Clayton, Clements, Colgrove, Collier, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Hall of Rush, Hancock, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan,  
H. J.—61.

Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Merrifield, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Prosser, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Sullivan, Summers, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel and Wood—63.

So the bill was lost.

On motion by Mr. Usrey,  
The House adjourned till 7 o'clock, P. M.

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7 o'clock, P. M.

The House met.

Mr. Branham obtained leave and introduced,

House bill No. 341. A bill making specific appropriations for the year A. D. 1859.

Which was read a first time.

Mr. Edwards moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Comstock, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferies, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Murray, Nebeker of Vermillion, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Stanley, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—69.

So the rule was suspended.

Mr. Turpie moved to consider the bill by sections :  
Which was agreed to.

Mr. Keefer moved to insert the name of "R. J. Ryan" in the blank in the second section.

Mr. Prosser moved the previous question :  
Which was seconded.

The question being shall the main question be now put ?  
It was so ordered.

The question being on the motion of Mr. Prosser ;  
It was agreed to.

Mr. Clements moved to fill the second blank in the second section with "one hundred and fifty dollars ;"  
Which was agreed to.

Mr. Dobbins moved to amend by inserting "four dollars per day for the assistant clerks ;"  
Which was agreed to.

Mr. Jefferis moved to fill the blank in the fifth section with "four dollars ;"  
Which was agreed to.

Mr. Dobbins moved to fill the blank by allowing the assistant doorkeepers "four dollars per day."

Messrs. Murray and Hunter demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boxley, Brotherton, Carr, Claypool, Clayton, Clements, Colgrove, Comstock, Cotton, Davisson, Davis, Dobbins, Durham, Early, Edwards, Gregory, Griffin, Hamilton of Wayne, Hancock, Hartley, Jefferis, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Mansfield, McLain, Merrifield, Newton, Power, Prosser, Sherman, Smith of Miami, Snyder, Stiles, Tebbs, Thompson of Madison, Treadway, Usrey, Wheeler, Whetzel and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Branham, Cavins, Clark, Dougherty, Devol, Eastham Fordyce, Gifford, Hall of Rush, Hamilton of Boone, Harney, Hunter, Johnston, Keefer, Lewis, Massey, Murray, Nebeker of Vermillion, Parks, Ritter, Robinson, Row, Rynerson, Scott, Shields,



Shockley, Shull, Smith of Perry, Stanfield, Sullivan, Thompson of Elkhart, Turpie, Waterman, Whiteman and Wood—35.

So the motion prevailed.

Mr. Power moved to amend the seventh section by striking out “\$1 50,” and inserting “\$3 00.”

Messrs. Murray and Hunter demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Brotherton, Carr, Claypool, Clayton, Clements, Colgrove, Cotton, Davis, Dobbins, Durham, Early, Edwards, Gifford, Gregory, Griffin, Hancock, Hartley, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Merrifield, Newton, Power, Prosser, Robinson, Sherman, Shockley, Shull, Snyder, Stanley, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Whetzel and Mr. Speaker—47.

*Those who voted in the negative, were,*

Messrs. Austin, Branham, Cavins, Clark, Collier, Comstock, Dougherty, Devol, Fordyce, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hunter, Johnston, Mansfield, Massey, Murray, Martin, Nebeker of Vermillion, Parrett, Ritter, Row, Rynerson, Scott, Shields, Smith of Miami, Smith of Perry, Stanfield, Turpie, Waterman, Whiteman and Wood—33.

So the motion prevailed.

Mr. Knowlton moved to fill the blank in the eleventh section with “four dollars.”

Which was agreed to.

Mr. Lawhead moved to fill the blank in the 12th section with “four dollars.”

Which was agreed to.

Mr. Murray moved to fill the blank in the 13th section with “four dollars.”

Which was agreed to.

Mr. Hunter moved to fill the blank in the 14th section with “four dollars.”

Messrs. Baird and Turpie demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Branham, Carr, Clark, Claypool, Clayton, Colgrove, Comstock, Cotton, Davisson, Dobbins, Durham, Edwards, Gregory, Griffin, Hall of Rush, Hancock, Hartley, Hunter, Jefferis, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, Mansfield, Merrifield, Newton, Power, Prosser, Ritter, Sherman, Shockley, Smith of Miami, Smith of Perry, Snyder, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Whetzel and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Boxley, Brotherton, Cavins, Collier, Dougherty, Devol, Early, Fordyce, Gifford, Hamilton of Boone, Harney, Johnston, Jordan, Massey, Murray, Martin, Nebeker of Vermillion, Nelson, Parks, Robinson, Row, Rynerson, Scott, Shields, Shull, Stanley, Stanfield, Turpie, Usrey, Waterman, Whiteman and Wood—32.

So the motion prevailed.

Mr. Prosser moved to amend section eight by striking out "two dollars" and inserting "three dollars."

Which was agreed to.

On motion,

The 25th section was amended by inserting "J. F. Dougherty" instead of "R. Dougherty."

On motion,

The blank in the 50th section was filled with "four dollars."

Mr. Blythe moved to add the following additional section :

Sec. —. That Caleb W. Edwards be allowed the sum of one hundred and eight dollars as *per diem* during the extra session of 1858, and the sum of thirty-four dollars for his mileage from Whiteley county to the Capital to attend the same.

Which was agreed to.

Mr. Branham moved the following additional section :

Sec. 52. That John Farrah, Door-keeper of the judiciary committee room be allowed four dollars a day, for 61 days, for cleaning said room.

Which was agreed to.

Mr. Branham offered the following additional section :

Sec. 53. That John R. Cravens, clerk of the committee on the

judiciary, be allowed four dollars a day for 61 days for services as said clerk.

Which was agreed to.

Mr. Merrifield offered the following additional section :

Sec. 54. That Charles E. Smith be allowed the sum of six hundred dollars for following and retaking one Ashur, a fugitive from justice, which services were performed under a requisition of the Governor.

Mr. Dobbins moved the previous question :

Which was agreed to.

The question being shall the main question be now put ?

It was so ordered.

The question being on the adoption of the amendment offered by Mr. Merrifield.

Messrs. Gifford and Whetzel demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Branham, Claypool, Clayton, Clements, Dobbins, Durham, Eastham, Harney, Kempf, Knowlton, Mansfield, Merrifield, Row, Sherman, Smith of Miami, Stanley and Mr. Speaker—19.

*Those who voted in the negative were*

Messrs. Austin, Baird, Boxley, Brotherton, Carr, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Early, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Lewis, Mellett, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Rynerson, Scott, Shields, Shockley, Shull, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Usrey, Waterman, Whetzel and Wood—54.

So the amendment was not adopted.

Mr. Knowlton moved the following additional section :

Sec. 55. That the Auditor and Treasurer of State be and they are hereby authorized to allow out of the swamp land fund to the late Treasurer of State one-fourth of one per cent. upon the amount of said fund by him received, and one-fourth of one per



cent. upon the amount of said fund by him disbursed, and upon ascertaining the amount to issue a warrant therefor.

Which was agreed to.

Mr. Stanfield offered the following additional section :

Sec. 56. That the Governor be required to make such allowance to Jehu T. Elliott, Wm. T. Otto and Norman Eddy as he may think just and proper for their services in discharging the trusts and duties imposed upon them by the joint resolution of this General Assembly, the same to be audited and paid as other appropriations.

Which was agreed to.

Mr. Branham offered the following additional section :

SEC. —. That Charles Cox be allowed six hundred dollars for two hot-air furnaces and fixtures therewith connected, and placing them in the capitol, as per bill on file.

Which was agreed to.

Mr. Merrifield offered the following additional section :

SEC. 58. That A. Lytle Jones be allowed the sum of one hundred dollars for services as assistant prosecuting attorney rendered at the March term, 1858, of the Laporte circuit court, under the direction of said court.

Which was not agreed to.

Mr. Griffin moved to amend the second section by inserting the name of George H. Chapman in connection with R. J. Ryan ;

Which was agreed to.

Mr. Edwards moved the previous question,  
Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.

The question being on ordering House bill No. 341 to be engrossed.

It was so ordered.

Mr. Branham moved to suspend the order of business, and take up House bill No. 339 ;

Which was agreed to.

House bill No. 339. A bill to provide for the sale of the certificates of stock in the State Debt Sinking Fund, and the appro-

priation of the proceeds thereof to the payment of interest on the State debt, and of the current expenses of the State.

Which was read a second time, and ordered to be engrossed.

Leave being granted,

Mr. Stiles moved to take up House bill No. 337,

Which was agreed to.

No. 337. A bill to repeal the latter clause of section 5 of an act entitled "An act regulating fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855; and to restore the twenty-fifth section of an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17th, 1852.

Was read a second time.

Mr. Stiles moved that the bill be referred to a select committee of five.

Which was agreed to.

The Speaker appointed Messrs. Stiles, Stanfield, Davis, Bly the and Miller as said committee.

Leave being granted,

Mr. Knowlton moved to take up Senate bill No. 251;

Which was agreed to.

Senate bill No. 251. A bill supplemental to an act entitled "an act fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length thereof in each county thereof," approved January, 1859.

Was read a second time.

Mr. Knowlton moved that the bill be referred to a select committee of three.

Which was agreed to.

The Speaker appointed Messrs. Knowlton, Comstock and Smith of Miami said committee.

House bill No. 338. A bill making general appropriations for the years 1859 and 1860, and the first quarter of the year 1861.

Was taken up and read a second time.

Mr. Hunter moved to amend section one, by striking out "two," and inserting "four," before the word "thousand," for supreme court reports;

Which was agreed to.

Mr. Clements moved to amend section 6, by striking out "two" and inserting "four," before the word "thousand," for supreme court reports.

Which was agreed to.

House bill No. 338 was then ordered to be engrossed.

#### MESSAGES FROM THE SENATE.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House, without amendment, to-wit:

House bill No. 69. A bill to repeal all general laws now in force, providing for the incorporation of bridge companies, and to provide for the incorporation of bridge companies, to authorize them to construct in connection with bridges, causeways across low bottoms, collect tolls, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters properly connected therewith. Also,

House bill No. 85. A bill for the relief of Peter Shultz, of Green county, and releasing to him the interest which the State holds in certain lands. Also,

House bill No. 70. A bill to make certain appropriations for the digging and constructing what is known as the grand calumet canal or ditch in Lake county, Indiana, and defining the duties of the swamp land commissioner of Lake county in relation thereto.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 85. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to repeal "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to establish township libraries, and for the regulation thereof;" and all other laws in conflict with this act.

In which the concurrence of the House is respectfully requested.



Senate bill No. 85, contained in the foregoing message, was read a first time and passed to a second reading.

Senate bill No. 104. A bill to amend the first section of an act in relation to plank, McAdamized, tram and gravel road companies, approved March 1st, 1855, and supplemental thereto, so as to enable corporations or companies to take possession of unfinished portions of said road and complete the same, where the original corporation has failed to complete it; to prevent any company or corporation, when about to abandon any such road, from removing any material used in its construction, providing for enjoining the removal of the same, and to provide for the working of such abandoned roads.

Was read a second time, and

On motion,

Referred to the committee on corporations.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed

Senate bill No. 158. A bill to limit jurisdiction in civil actions to the county or township where one of the parties immediately liable to judgement resides.

Senate bill No. 264. A bill supplemental to an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852, and making the order of the board of commissioners, under section nine of said act, final in certain cases.

Senate bill No. 164. An act to amend the eleventh section of an act entitled an act establishing the courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14, 1852, and to give courts of common pleas jurisdiction of felonies in certain cases.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 158, 264, and 164, contained in the foregoing message, were severally read a first time and passed to a second reading.

Mr. Hamilton of Wayne obtained leave and introduced,

House bill No. 342. A bill to prevent the obstruction of justice by fraudulent or by-bidders at Sheriff's sale.

Which was read a first time and passed to a second reading.

Mr. Dougherty, leave being granted, introduced,

House bill No. 343. A bill prescribing the duties of county auditors, and in relation to fines, forfeitures, unclaimed fees, court and docket fees, and the collection thereof.

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House, that the Senate has adopted the following resolution, to-wit :

*Resolved*, That the House be requested to return Senate bill No. 186, in regard to the relocation of county seats, as the same passed the Senate under a misapprehension of its provisions.

Senate bill No. 186, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House, that the Senate has passed the following engrossed bill thereof :

Senate bill No. 210. A bill to amend an act entitled "An act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852," approved February 15, 1857 : and to revise section twenty-eight of the act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852.

House bill No. 86. A bill for the relief of Jane Walker ; with the following amendment to the title thereof :

"And to release all the right, title and interest of the State in and to certain lands herein named,"

In which the concurrence of the House is respectfully requested.

Senate bill No. 210, contained in the foregoing message, was read a first time and passed to a second reading.

On motion,

The engrossed amendments of the Senate to House bill No. 86 was concurred in.

Message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to-wit :

Senate bill No. 143. A bill to regulate and restrict the sale, barter or giving away of spirituous and intoxicating liquors, to be used as a beverage, and to prohibit the sale, barter or gift of the same to certain persons, under certain circumstances, and to punish any violations of any of the provisions of this act, and declaration of the duties of district or city attorneys in relation thereto, and affixing the penalty for neglect or failure to discharge said duties. Also,

House bill No. 59. A bill to extend to borrowers of sinking fund, surplus revenue fund, college fund, saline fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto ;

With an engrossed amendment thereto.

In which the concurrence of the House is respectfully requested.

Senate bill No. 143, contained in the foregoing message, was read a first time and passed to a second reading.

Engrossed amendments of the Senate to House bill No. 59, " an act to extend to borrowers of sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto ; "

Amend section three by striking out " an " and inserting in lieu thereof the word " no, " and after the word " shall " in next to the last line. insert the words " result therefrom, and no officer or officers shall. "

On motion,

The engrossed amendments to House bill No. 59 were concurred in.

A message from the Senate by Mr. Vawter their Secretary.



MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, viz :

Senate bill No. 219. A bill to amend an act approved January 27, 1847, entitled an act to amend an act entitled "an act to incorporate the Eel River Seminary Society," approved January 1, 1829, and for other purposes, to amend the second section of said act, to repeal the third, fifth and eighth sections, to clothe said society with additional powers, to provide for the increase of stockholders, the election of five trustees as sole managers of the affairs of said society, and their term of office, and the effect of a failure to elect, and to confirm the act of the board of commissioners of Cass county in releasing to the stockholders of said society all the interest of said county in the society's property and revenues, and releasing all claims of the State thereto, and releasing the corporation from the operation of the act requiring the sale of county seminaries, and legalizing the proceedings of said corporation."

In which the concurrence of the House is respectfully requested.

Senate bill No. 219, contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 263. A bill fixing the time of holding the court of common pleas in the county of Wabash and the length of the terms thereof.

In which the concurrence of the House is respectfully requested.

Senate bill No. 263, contained in the foregoing message,  
Was read a first time and passed to a second reading.

Message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to-wit :

Senate bill No. 136. A bill for the recovery of damages from any officer holding his office under any law of this State who shall illegally charge, demand or collect more than is legally due him as fees, and requiring such officer to receipt for all money collected.

Senate bill No. 121. A bill to protect those who exhibit animals or articles at any agricultural exhibition, and to punish any person or persons who may be detected in the removal of any label placed on any animal or article put on exhibition, and to punish persons who may enter fair grounds or other places of agricultural exhibition contrary to the rules of the society regulating the admission of persons to the same.

Senate bill No. 146. A bill to provide for the publication of all acts and joint resolutions of the General Assembly which contain an emergency clause in one weekly newspaper of the several counties of the State in which one is published, and the time that said act shall take effect.

Senate bill No. 150. A bill declaring the selling or conveying of land without title a felony, and prescribing punishment therefor.

Senate bill No. 151. A bill entitled an act to authorize appeals from the circuit courts within this State to the Supreme court in contested election cases.

Senate bill No. 153. A bill to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject.

Senate bill No. 163. A bill relinquishing to William English of Dearborn county the interest acquired by the State of Indiana by escheat in and to in-lot No. (33) thirty-three in Rossville in said county.

Senate bill No. 201. A bill to require surviving partners to file inventories and appraisements in the office of the clerk of the court of common pleas and to report the liabilities of the firm.

Senate bill No. 226. A bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved May 13, 1852.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 136, 121, 146, 150, 151, 153, 163, 201 and 226, were severally read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 205. A bill to repeal all laws now in force establishing the time of holding courts in the common pleas district composed of the counties of Washington, Harrison, Orange and Crawford, and to fix the times of holding said courts."

In which the concurrence of the House is respectfully requested.

Senate bill No. 205 contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof :

Senate bill No. 224. A bill authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads.

In which the concurrence of the House is respectfully requested.

Senate bill No. 224 contained in the foregoing message, was read a first time, and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof, viz :

No. 106. A bill to provide for the relief of purchasers of real estate at sheriff's sales under execution, issued on judgments against sureties on forfeited recognizances where such recognizances had been taken after the Revised Statutes of 1852 took effect, and where such sureties being the owners of such real estates, had sold and conveyed the same after becoming such recognizers, but before judgments of forfeiture thereof had been taken.

No. 130 A bill to prevent the sale of adulterated liquors, to prevent adulteration, and to prescribe punishment therefor, and appointing a chemist and prescribing his duties.

No. 154. A bill to prevent the keeping of gaming, tippling, lewd or disorderly houses ; to protect the public morals ; define the duties of certain officers in relation thereto, to provide punishment for violations of this act, and to repeal all laws in conflict herewith.



No. 271. An act to amend the third section of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 106, 130 and 155, contained in the foregoing message, were severally read a first time, and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

Senate bill No. 254. A bill supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, so as to provide for the levy of the township taxes for the year 1859, at the June term of the county board.

Also,

Senate bill No. 122. A bill supplemental to an act entitled "an act to provide for the government and discipline of the State Prison," and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved February 5, 1857.

Also,

Senate bill No. 127. A bill to amend the 18th, 25th and 26th sections of an act regulating descents, and the apportionment of estates, approved May 14, 1852.

Also,

Senate bill No. 129. An act declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor.

Also,

Senate bill No. 138. A bill to fix the amount of the salary of State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant Librarian and Clerk.

Also,

Senate bill No. 132. A bill for the protection of the Sabbath,

with penalties for the violation thereof, and to repeal an act entitled "an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28, 1855.

Also,

Senate bill No. 117. An act to amend the 238th and 241st sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide for the examination and taking the depositions of parties as witnesses in civil actions and proceedings.

Also,

Senate bill No. 119. A bill to amend section five of an act entitled "an act concerning the partition of lands."

Also,

Senate bill No. 94. A bill to amend the 1st and 6th sections of "an act for the encouragement of agriculture," approved February 17, 1852.

In all of which the concurrence of the House is respectfully requested.

Senate bills Nos. 254, 122, 127, 129, 138, 132, 117, 119 and 94, contained in the foregoing message, were severally read a first time and passed to a second reading.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed House bill No. 5, "a bill incorporating school townships, defining their powers, requiring the title to school lots to be vested in the corporate name of the township, town or city in which the same is situate, authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and the trustees of an incorporated town, to levy all taxes for schools, and for building and repairing school houses, and to repeal all laws inconsistent with this act," with the following engrossed amendment thereto, in which the concurrence of the House is respectfully requested :

Engrossed amendments of the Senate to House bill No. 5—

Amend by striking out the sixth section, and inserting the following :

H. J.—62.

“If a majority of the legal voters of any school district desire the use of the school house of such district for other purposes than common schools, when occupied for common school purposes, the trustees shall, upon such application, authorize the director of such school district to permit the people of such district to use the house for any such purpose, giving equal rights and privileges to all religious denominations and political parties, without any regard whatever to the numerical strength of any religious denomination or political party of such district.”

On motion,  
The engrossed amendments of the Senate were concurred in.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 188. A bill to provide for oral argument and speedy decision of causes in the Supreme Court, and to repeal all laws inconsistent with this act. Also,

Senate bill No. 186. A bill to amend the second section of an act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location. Also,

Senate bill No. 184. A bill to amend the eighth section of “an act in relation to county treasurers,” approved June 4, 1852. Also,

Senate bill No. 183. A bill in relation to the partition of real estate. Also,

Senate bill No. 165. A bill to amend section fifteen of “an act defining felonies, and prescribing punishment therefor.” Also,

Senate bill No. 193. A bill to enable married women to make wills. Also,

Senate bill No. 238. A bill for the better protection of orchards, gardens and vineyards. Also,

Senate bill No. 199. An act to authorize clerks of the circuit and common pleas courts of this State to make out certificates of the payment of all judgments which may hereafter be rendered in such courts upon the foreclosure of any mortgage, when such judgments shall have been fully paid, and deliver the same to the recorder of such county, and requiring such recorder to enter such certificate upon the records of his office. Also,



Senate bill No. 202. A bill supplemental to article 9, regulating attachments, of chapter one of the Revised Statutes of 1852, "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Senate bill No. 204. A bill to amend an act entitled "An act to provide for the election, and prescribing certain duties of recorders," approved May 31, 1852. Also,

Senate bill No. 206. A bill to amend section twenty-four of an act entitled "An act concerning real property and the alienation thereof," approved May 6th, 1852. Also,

Senate bill No. 208. A bill to amend the first section of an act entitled "An act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 188, 186, 184, 183, 165, 193, 238, 199, 202, 204, 206 and 208, contained in the foregoing message, were severally read a first time, and passed to a second reading.

Mr. Hamilton of Boone obtained leave and made following report:

MR. SPEAKER:

The committee on education, to whom was referred Senate bill No. 134, entitled "An act providing for the assessment of taxes for township library purposes," have had the same under consideration, and after due deliberation report it back to the House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hunter, from the committee on the affairs of the State prison, obtained leave and made the following report:

MR. SPEAKER:

The committee on the affairs of the State prison, to whom was

referred the memorial of John P. Dunn and Jeremiah D. Skein, not being able to take the testimony, as prayed for in memorial, they therefore report the same back to the House, and submit the following joint resolution for the consideration thereof:

Joint resolution No. —. A joint resolution for the purpose of appointing a commission to hear and determine certain matters therein named, and to provide for the payment of any sum that may be awarded therein.

Which,

On motion,

Was laid on the table.

#### HOUSE BILLS ON SECOND READING.

No. 335. A bill to authorize the sale of certain lots in the town of Indianapolis.

Was read a second time, and

On motion,

Referred to the committee on the town of Indianapolis.

No. 333. A bill accepting on the part of the State of Indiana lands donated to said State, in an act of Congress donating public lands to the several States and Territories, which may provide colleges for the benefit of agricultural and mechanical arts, and providing for a notice of the same being given by the Governor of the State to the Secretary of the Interior.

Was read a second time, and

On motion,

Was laid on the table.

No. 336. A bill prescribing the duties of clerks, justices, auditors and treasurers in reference to jury fees, fines, forfeitures, and undivided fees, and repealing all laws in conflict herewith.

Was read a second time and ordered to be engrossed.

No. 334. A bill defining the duties of the Auditor and Treasurer of State in the management and safe keeping of a trust arising from a donation of lands by the Congress of the United States for maintaining of colleges of agricultural and mechanical arts, and providing for the election of a board of regents for the government of such institution, defining their powers and duties.

Was read a second time, and

On motion,

Laid on the table.

No. 332. A bill to amend the tenth section of an act entitled "an act providing for the election of supervisors of highways, and

prescribing certain of their duties and those of county and township officers in relation thereto."

Was read a second time, and

On motion,

Referred to the committee on roads.

There being no further business before the House the Speaker declared it adjourned until to-morrow morning at 9 o'clock.

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THURSDAY MORNING, 9 o'clock, }  
March 3, 1859. }

The House met.

On motion by Mr. Stanfield,  
The reading of the journal was dispensed with.

Mr. Stanfield obtained leave and introduced House bill

No. 344. A bill to fix the times of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.

Which was read a first time.

Mr. Stanfield moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffers, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, McLain, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermil-



lion, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Whetzel, Wildman, Wood and Mr. Speaker—75.

No person voting in the negative.

So the rule was suspended and the bill read a second time by its title.

Mr. Stanfield moved that the bill be considered as engrossed and read a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clements, Clayton, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison; Treadway, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—81.

No one voting in the negative.

So the motion prevailed.

No. 344 was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parrett, Rit-

ter, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Hancock and Nebeker of Vermillion—2.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Parks, from the committee on engrossed bills, made the following report:

**MR. SPEAKER:**

The committee on engrossed bills have examined engrossed bill of the House No. 338, compared it with the original copy thereof, and find the same correctly engrossed.

A message from the Governor by Mr. Osbourne, Executive Messenger.

**MR. SPEAKER:**

I am directed by the Governor to inform the House that he has approved and signed the following bill:

Senate bill No 51. An act for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people.

Message from the Senate by Mr. Vawter their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has concurred in the engrossed amendments of the House to

Senate bill No. 28. A bill to provide for the safe keeping of the public money, and of bonds and other securities entrusted to the care of certain officers herein mentioned, defining certain felonies and misdemeanors and prescribing punishment therefor, and providing for certain evidence on the part of the State.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills Nos. 70 and 85 with engrossed copies thereof and find the same correctly enrolled.

Mr. Comstock obtained leave and made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred Senate bill No. 178, providing for the election of supervisors of highways, have had the same under consideration and instructed me to report the same back and recommend its passage.

The report was concurred in and the bill passed to a third reading.

Leave being granted,

Mr. Branham moved to take up House bill No. 338.

Which was agreed to.

No. 338. A bill making general appropriations for the years 1859 and 1860, and the first quarter of the year 1861.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Ritter, Row, Ryerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—86.

No one voting in the negative.

So the bill passed.

*Ordered.* That the Clerk inform the Senate thereof.



Leave being granted,  
Mr. Murray moved to take up House bill No. 341.  
Which was agreed to.

House bill No. 341. A bill making specific appropriations for the year A. D. 1859.

Was read a third time.

Mr. Murray moved to re-commit the bill to the committee on ways and means with the following instructions:

To make out the allowances of clerks and door-keepers of this House and those employed by committees, in accordance with their allowance at the extra session.

Mr. Ritter moved the previous question.  
Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.

The question being on re-committing the bill with instructions;

Messrs. Murray and Hamilton of Boone demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Boyd, Branham, Brotherton, Cavins, Clark, Collier, Dougherty, Devol, Eastham, Fordyce, Gifford, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Johnston, Keefer, McLain, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Parrett, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Perry, Stanfield, Stiles, Sullivan, Summers, Thompson of Ekhart, Turpie, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Wood—49.

*Those who voted in the negative were,*

Messrs. Baird, Black, Blythe, Carr, Claypool, Clayton, Clements, Colgrove, Comstock, Cotton, Davis, Dobbins, Durham, Early, Edwards, Firestone, Gregory, Hall of Grant, Hancock, Hartley, Jeffers, Jones, Kelly, Kempt, Lawhead, Lewis, Major, Mansfield, Merrifield, Newton, Power, Row, Snyder, Stanley, Tebbs, Thompson of Madison, Treadway and Usrey—38.

So the motion to re-commit prevailed.

Mr. Hamilton of Boone offered the following additional instructions:

To so amend as to allow the three commissioners appointed to make settlement with certain delinquent debtors to the State, not exceeding "five dollars" per day and their ordinary expenses, also to allow all clerks but "three dollars per day, the same as door-keepers' "

Leave being granted,

Mr. Branham moved to take up House bill No. 339.

Which was agreed to.

No. 339. A bill to provide for the sale of the certificates of stocks in the State debt sinking fund, and the appropriation of the proceeds thereof to the payment of interest on the State debt and for the current expenses of the State.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Boyd, Branham, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shall, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Jordan and Turpie—2.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Leave being granted,

Mr. Smith of Perry moved to take up House bill No. 297.

Which was agreed to.

No. 297. A bill to provide for the erection of a building for the officers of State.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Boyd, Boxley, Branham, Clark, Cotton, Davisson, Dobbins, Edwards, Firestone, Fordyce, Gifford, Hall of Rush, Harney, Harrison, Hunter, Jones, Kempf, Major, Mansfield, Massey, Newton, Ritter, Robinson, Shields, Shull, Smith of Miami, Smith of Perry, Stiles, Treadway and Whetzel—30.

*Those who voted in the negative were,*

Messrs. Austin, Brotherton, Carr, Cavins, Clements, Colgrove, Collier, Comstock, Dougherty, Durham, Gregory, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hartley, Jefferies, Johnston, Jordan, Keefer, Lewis, McLain, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Power, Prosser, Row, Scott, Shockley, Snyder, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Urey, Waterman, Wheeler, Whiteman, Wood and Mr. Speaker—47.

So the bill was lost.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bill No. 341 and find it correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed to bring to the House enrolled Senate bills Nos. 101 and 203 for the signature of the Speaker thereof.

Mr. Stiles obtained leave and made the following report from a select committee, viz:

MR. SPEAKER:

The select committee to whom was referred House bill No.



337, entitled "a bill to repeal the latter clause of the 5th section of an act entitled 'an act regulating fees of officers and repealing former acts in relation thereto,' approved March 2d, 1855, and to revive the 25th section of an act entitled 'an act providing for the organization of county boards, and prescribing some of their powers and duties,' approved June 27, 1852, have had the same under consideration and a majority of said committee have directed me to report the same back with the following amendment, and when so amended recommend its passage:

Amend by striking out all after the enacting clause and insert the following in lieu thereof, viz:

That clerks of the circuit and common pleas courts and sheriffs of the several counties of this State shall each be entitled to the payment from the treasury of the proper county of not exceeding one hundred dollars for the clerks and two hundred dollars for the sheriff annually, which shall be in full for extra services and in full for all such services as they may be required to render for which no specific fee is fixed by law

Sec. 2. Such clerk or sheriff shall file an itemized account of the nature and value of the services with the board of commissioners of the proper county, which shall be verified by oath or affirmation, and upon the board being satisfied by due proof that the services have been rendered, shall make such allowance therefor as may be just and reasonable, not exceeding the amount provided in the first section of this act.

Sec. 3. No allowance shall be made for extra services to any such clerk or sheriff except as herein provided, and all laws inconsistent with this act are hereby repealed.

Sec. 4. Whereas in the opinion of this General Assembly an emergency exists for the immediate taking effect of this act, the same is hereby declared to be in force from and after its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Stiles moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Jordan, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Mil-

ler, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Turpie, Waterman, Wheeler, Whetzel, Whiteman and Wood—82.

Mr. Speaker voted in the negative.

So the bill passed,

Mr. Stiles moved to amend the title as follows, to-wit:

An act providing for the allowance of compensation to clerks of the circuit and common pleas courts and sheriffs for extra services, and to repeal all laws inconsistent therewith.

Which was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of the bill.

Leave being granted,

Mr. Austin moved to take up House bill No. 328.

Which was agreed to.

No. 328. A bill to amend the 143d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852;

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Claypool, Clements, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jones, Jordan, Kempf, Lewis, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Sullivan, Summers, Tebbs, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Stiles and Waterman—2.

So the bill passed.

*Ordered*, That, the Clerk inform the Senate thereof.

Mr. Brotherton, from the committee on enrolled bills, have compared enrolled bills of the House Nos. 5, 59 and 69 with the engrossed copies and find them correctly enrolled.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER :

The committee on engrossed bills have examined House bill No. 211 and find the same correctly engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House Senate enrolled bill No. 172, for the signature of the Speaker thereof.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House enrolled Senate bill No. 28 for the signature of the Speaker thereof.

Leave being granted,

Mr. Mansfield moved to take up Senate bill No. 85.

Which was agreed to.

Senate bill No. 85. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to repeal "an act to provide for a general system of common schools. the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to establish township libraries, and for the regulation thereof;" and all other laws in conflict with this act.

Was taken up.



Mr. Mansfield moved to suspend the rule and read the bill by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clayton, Colgrove, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Martin, Nelson, Newton, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Shockley, Skull, Smith of Miami, Smith of Perry, Stanley, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Hunter, Massey, Mellett, Prosser and Wood—5.

So the rule was suspended and the bill read by its title.

Mr. Parks moved to refer the bill to the committee on education.

Mr. Parrett moved the previous question.  
Which was seconded.

The question being shall the main question be now put?  
It was so ordered.

The question being on referring the bill to the committee on education.  
It was so referred.

Message from the Governor by Mr. Osborne, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bill:

House bill No. 85. A bill for the relief of Peter Shultz, of Green county, and releasing to him the interest which the State holds in certain lands. Also,

Senate bill No. 101. A bill to authorize county treasurers to assess property which may be omitted by the assessors, and to legalize assessments heretofore made by treasurers.

Also,

Senate bill No. 172. An act to fix the time of holding the circuit court in the first judicial circuit, and repealing all laws in conflict therewith.

Mr. Baird moved to take up the message from the Senate containing Senate bill No. 211.

Which was agreed to.

Message from the Senate, by Mr. Vawter, their Secretary.

**MR. SPEAKER.**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 211. A bill to regulate the business of foreign insurance companies doing business within the State of Indiana, and prescribing the duties of such companies, and to repeal an act entitled "an act to amend an act entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved March 2, 1855.

In which the concurrence of the House is respectfully requested.

Senate bill No. 211, contained in the foregoing message, was read a first time and passed to a second reading.

Mr. Branham obtained leave and made the following report from the committee on ways and means:

**MR. SPEAKER:**

The committee on ways and means to whom had been re committed House bill No. 341, being the specific appropriation bill with instructions to make out the allowances to the clerks and door-keepers of the House and clerks of committees in accordance with their allowance at the extra session, report that they have made such change. By the specific appropriation bill of the extra session the principal and assistant clerks and their assistants were allowed four dollars per day, the same as in the present bill, but the door-keeper and his assistants received only three dollars per day, also the clerks to committees, and the clerk and door-keeper and their assistants have had their allowance reduced therefore from four dollars per day to three dollars, in compliance with the instructions given by the House.

The report was concurred in, the amendments adopted.

Mr. Martin moved to amend by giving the principal door-keeper "four dollars per day."

Mr. Murray moved to lay the amendment on the table.  
Which was agreed to.

Mr. Ritter moved that the amendments be considered as engrossed and the bill put on its passage.  
Which was agreed to.

Mr. Ritter moved the previous question.  
Which was seconded.

The question being, shall the main question be now put?  
It was so ordered.

House bill No. 341 having been read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Clark, Collier, Dougherty, Edwards, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Wayne, Harney, Hunter, Jefferis, Johnston, Jones, Kempf, Lawhead, Lewis, Major, Mansfield, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Parrett, Ritter, Robinson, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Whetzel, Whiteman, Wood and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Claypool, Davis, Dobbins, Devol, Early, Firestone, Gregory, Hamilton of Boone, Hancock, Harrison, Jordan, Keefer, Kelly, Mellett, Newton, Parks, Power, Row, Shields, Stanley, Wheeler and Wildman—22.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Leave being granted,  
Mr. Gordon introduced joint resolution

No. 26. A joint resolution to give the city of Indianapolis the



possession of block No. 25 in said city for a park until the State shall require it for the purposes of the original dedication.

Which was read, and

The question being shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Boxley, Cavins, Clark, Cotton, Davisson, Fordyce, Gregory, Hamilton of Boone, Hamilton of Wayne, Kempf, Newton, Ritter, Robinson, Row, Shockley, Smith of Perry, Snyder, Treadway, Waterman, Wheeler, Whetzel and White-man—25.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Branham, Dougherty, Edwards, Firestone, Gifford, Griffin, Hancock, Hunter, Jones, Jordan, Keefer, Kelly, Lawhead, Lewis, McLain, Miller, Nebeker of Vermillion, Nelson, Parks, Stanley, Stiles, Summers, Thompson of Elkhart, Turpie, Wood and Mr. Speaker—28.

No quorum being present,

The Speaker declared the House adjourned till 2 o'clock, P. M.

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2 O'CLOCK, P. M.

The House met.

#### MESSAGES FROM THE SENATE.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House, without amendment, to-wit:

House bill No. 108. A bill to prevent the gathering of cranberries from any of the public, State or non-resident lands of this State and providing penalties therefor.

House bill No. 124. - An act to prohibit the throwing or depositing any carrion or dead animal into any running stream or lake of water in this State, and to prevent the depositing or burying any carrion or dead animal on the banks of the same, and prescribing the penalty for the violation thereof.

House bill No. 130. A bill to compel supervisors of road districts within the limits of incorporated towns to work the same under the directions of the town council.

House bill No. 136. A bill for the protection of sidewalks in towns and villages and for the preservation of shade trees planted along the same.

House bill No. 38. A bill declaratory of the meaning of the first section of an act entitled, "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852, and to legalize all wills made by married women in pursuance of said act since the taking effect thereof.

House bill No. 143. A bill to legalize the appraisement and assessment of property in the cities of this State and the making out and delivery of tax duplicates in the cities of this State, incorporated under the act of 1857.

House bill No. 215. An act providing for working and locating highways upon county lines.

A message from the Senate by Mr. Vawter, their Secretary :

MR SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House without amendment :

House bill No. 142. An act to authorize the boards of commissioners of the several counties of this State to make such an allowance out of the county treasury of their respective counties, as will indemnify the owners of property for losses sustained by taking, carrying away or destruction of such property, by any officer, under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved Feb. 16, 1855, and reimburse the officers named in said act, who, in good faith, have executed the provisions thereof, and been subject to loss thereby, and authorizing an allow.

ance to officers who have paid costs in cases of habeas corpus under said act.

A message from the Governor, by Mr. Osbourne, Executive Messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bills:

House bill No. 59. A bill to extend to borrowers of sinking fund, surplus revenue fund, college fund, saline fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto. Also,

House bill No. 69. A bill to repeal all general laws now in force, providing for the incorporation of bridge companies, and to provide for the incorporation of bridge companies, to authorize them to construct in connection with bridges, causeways across low bottoms, collect tolls, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters properly connected therewith. Also,

House bill No. 5. An act incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporate name of the township town or city in which the same is situate, authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and the trustees of an incorporated town, to levy all taxes for schools and the building and repair of school houses, and to repeal all laws inconsistent with this act. Also,

House bill No. 86. An act for the relief of Jane Walker.

Mr. Hamilton of Boone, moved a call of the House;

Which was ordered.

The Clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Harrison, Hunter,



Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellet, Miller, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Usrey, Waterman, Wheeler, Whetzel, Wildeman, Wood and Mr. Speaker—80.

On motion,  
The further call was dispensed with.

The question pending at the adjournment being on the passage of House Joint Resolution No. 26,

Mr. Hunter moved to refer the joint resolution to the committee on the judiciary;  
Which was agreed to.

Leave being granted,

Mr. Usrey moved to take up House bill No. 340 ;  
Which was agreed to.

No. 340. A bill prescribing the times of holding the circuit court in the county of Sullivan, and to repeal all laws in conflict with this act;

Was taken up and read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Brother-ton, Carr, Cavins, Clark, Claypool, Clements, Colgrove, Collier, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eas-ham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildeman, Wood and Mr. Speaker—89.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Blythe obtained leave, and made the following report from the committee of free conference appointed on House bill No. 93:

MR. SPEAKER :

The committee of free conference to whom was referred the disagreement of the House to the engrossed amendments of the Senate to House bill No. 93, "a bill to amend the sixth section and the third clause of the seventh section of an act entitled 'an act regulating the granting of divorces, nullification of marriages and decrees and orders incident thereto,' approved May 13, 1852," have had the same under consideration, and instruct me to make the following joint report and recommend that the House concur therein :

Strike out from the engrossed amendments of the Senate, the sixth specification thereof, and insert the following section :

SEC. —. Parties against whom a judgment of divorce has been heretofore, or shall be hereafter rendered, without other notice than publication in a newspaper, may have the same opened at any time, so far as relates to the care, support and custody of the children. Parties against whom a judgment of divorce shall hereafter be rendered, without other notice than publication in a newspaper, may, at any time within two years after the rendition of such judgment, have the same opened, and be allowed to defend, so far as the same relates to the allowance of alimony and the disposition of property. Before any judgment shall be opened as above, for any cause, the applicant shall file a statement of the causes relied upon, and give such notice thereof as the court in term time, or the judge thereof in vacation, shall require; and when the cause specified by such applicant relates to the alimony and the disposition of property, the applicant shall file an affidavit stating that during the pendency of the action, he or she received no actual notice thereof, in time to appear in court at the time of the trial of such action, and object to said judgment, and shall also pay such costs as the court may direct. Any property which may have been sold under any such judgment so sought to be opened, and which shall have passed into the hands of a purchaser or purchasers in good faith shall not be affected by any proceeding consequent upon the opening of such judgment: *Provided*, That the dissolution of a marriage contract shall in no case be set aside under the provisions of this act.

Immediately following the second section of the House bill insert the 1st, 2d, 3d, 4th, 5th and 6th specifications of the Senate amendments as amended.

To the third section of the House bill add the 8th specification of the Senate amendments.

Close the bill with the emergency clause of the Senate amendments.

The report was concurred in and the amendments adopted.

Leave being granted,

Mr. Harrison moved to take up Senate bill No. 271 ;

Which was agreed to.

No. 271. An act to amend the third section of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto.

Was taken up and read a second time, and passed to a second reading.

Leave being granted,

Mr. Snyder moved to take up House bill No. 257 ;

Which was agreed to.

No. 257. A bill to provide for the organization of new counties, and for the representation thereof, and the administration of justice therein.

Was taken up and read a third time.

Mr. Hamilton of Boone moved to recommit with the following instructions :

MR. SPEAKER :

I move to recommit to the committee on the judiciary with instructions to inquire into the expediency of so amending that no new county shall be formed or organized under any law of this State without the consent of a majority of the qualified voters of the county or counties out of which it may be created being first had and obtained, and also the constitutionality of an act to authorize the formation of new counties, and to change county boundaries, approved March 9, 1857.

Which was agreed to.

Leave being granted,

Mr. Dobbins moved to take up

No. 304. A bill supplemental to an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852.

Was taken up and read a third time, and

The question being, shall House bill No. 245 pass ?



*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boxley, Branham, Brotherton, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jones, Keefer, Kempf, Lawhead, Lewis, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Power, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—73.

Messrs. Jordan and Snyder voting in the negative—2.

So the bill passed.

Mr. Dobbins moved to amend the title as follows, to-wit:

An act to amend the first section of an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852.

Which was agreed to.

*Ordered,* That the Clerk inform the Senate of the passage of said bill.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The committee on enrolled bills have examined and compared with the engrossed copies thereof, enrolled bills of the House Nos. 86, 130, 136, 138, 143, 215, 124, 108 and 142, and find the same correctly enrolled.

Leave being granted,

Mr. Harney moved to take up Senate bill No. 254.

Which was agreed to.

Senate bill No. 254. A bill supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved

February 18, 1859, so as to provide for the levy of the township taxes for the year 1859, at the June term of the county board.

Was taken up and read a second time, and passed to a third reading.

Leave being granted,

Mr. Devol moved to take up House bill No. 287.

Which was agreed to.

No. 287. A bill providing for the extension of the Hospital for the Insane, and authorizing a loan of money for that purpose.

Was taken up and read a third time, and

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Bowman, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Jordan, Keefer, Kempf, Mansfield, Massey, Merrifield, Miller, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Row, Rynerson, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Turpie, Usrey, Waterman, Wheeler, Whiteman and Wildman—68.

*Those who voted in the negative were*

Messrs. Boxley, Cavins, Hunter, Jones, Kelly, Lewis, McLain, Murray, Nebeker of Vermillion, Robinson, Scott, Shields, Stanfield, Stiles, Thompson of Elkhart, Thompson of Madison, Whetzel, Wood and Mr. Speaker—19.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Stanfield moved to take Senate bill No. 187 and accompanying report from the table.

Mr. Dougherty moved a call of the House,

Which was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Austin, Baird, Black, Blythe, Bowman, Boxley, Boyd Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clen

ents, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—93.

On motion by Mr. Stanfield,  
The further call was dispensed with.

Mr. Mellett moved to lay the motion to take the bill from the table on the table.

Messrs. Mellett and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Brotherton, Carr, Clark, Clayton, Clements, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Firestone, Gifford, Hall of Grant, Hamilton of Boone, Hartley, Jordan, Keefer, Major, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Parrett, Power, Prosser, Ritter, Row, Scott, Shields, Shockley, Shull, Stanley, Stiles, Sullivan, Summers, Thompson of Madison, Waterman and Wood—44.

*Those who voted in the negative were,*

Messrs. Baird, Black, Blythe, Boyd, Boxley, Branham, Claypool, Colgrove, Collier, Comstock, Davis, Eastham, Edwards, Fordyce, Gregory, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hunter, Johnston, Jones, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Nebeker of Vermillion, Newton, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanfield, Thompson of Elkhart, Tebbs, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman and Wildman—47.

So the motion was not laid on the table.

No. 187. A bill to amend an act, approved February 28, 1855, entitled "An act to amend an act to authorize the construction of plank, McAdamized and gravel roads, and to empower the same to make sale of a portion of their roads," so as to give the right



of any corporation that has bought or may hereafter buy of the above named roads to do the business of such roads in the corporate name of the buyer, and also to amend so as to reduce the tariff of tolls.

Was taken up.

Messrs. Mellett moved that the bill and pending amendment be indefinitely postponed.

Messrs. Mellett and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Davisson, Dobbins, Dougherty, Durham, Early, Firestone, Gifford, Hall of Grant, Hamilton of Boone, Harney, Harrison, Hunter, Jordan, Keefer, Major, Massey, Mellett, Merrifield, Murray, Martin, Nelson, Parrett, Prosser, Ritter, Row, Shields, Shockley, Shull, Sullivan, Summers, Thompson of Madison, Waterman and Wood—41.

*Those who voted in the negative were,*

Messrs. Baird, Black, Blythe, Boyd, Boxley, Branham, Claypool, Colgrove, Collier, Comstock, Davis, Edwards, Fordyce, Gregory, Hall of Rush, Hamilton of Wayne, Hancock, Johnston, Jones, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Nebeker of Vermillion, Newton, Parks, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Stanfield, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman and Wildman—45.

So the motion did not prevail.

The question being on concurring in the report of the committee on the judiciary.

Mr. Hamilton of Boone moved to re-commit to the committee on banks with the following instructions :

Instruct to strike out all after the word "district," in the twelfth line of the first section.

Mr. Colgrove moved to lay the motion and instructions on the table.

Mr. Dobbins moved to amend the motion by including the "whole subject."

Messrs. Dougherty and Hamilton of Boone demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Firestone, Gifford, Hall of Grant, Hamilton of Boone, Harney, Harrison, Jordan, Keefer, Major, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Parrett, Power, Prosser, Ritter, Row, Shields, Shockley, Shull, Stanley, Sullivan, Summers, Thompson of Madison, Waterman, Wood and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Baird, Blythe, Boyd, Boxley, Brianham, Claypool, Colgrove, Collier, Comstock, Davis, Eastham, Edwards, Fordyce, Gregory, Griffin, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Kempf, Lawhead, Lewis, McLain, Nebeker of Vermillion, Newton, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman and Wildman—45.

So the motion did not prevail.

The question being on the motion of Mr. Colgrove to lay the motion to re-commit with instructions on the table.

Messrs. Dobbins and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Boyd, Boxley, Branham, Clark, Claypool, Colgrove, Collier, Comstock, Davisson, Davis, Eastham, Edwards, Fordyce, Griffin, Hall of Rush, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kempf, Lawhead, Lewis, McLain, Mansfield, Nebeker of Vermillion, Newton, Parks, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanfield, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman and Wildman—49.

*Those who voted in the negative were,*

Messrs. Austin, Brotherton, Carr, Cavins, Clayton, Clements, Dobbins, Dougherty, Durham, Devol, Early, Gifford, Hall of Grant, Hamilton of Boone, Harney, Jordan, Keefer, Kelly, Major, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Parrett,

Power, Prosser, Ritter, Row, Shields, Shockley, Shull, Stanley, Stiles, Sullivan, Summers, Thompson of Madison, Waterman, Wood and Mr. Speaker—42.

So the instructions were laid on the table.

Mr. Stanfield moved the previous question.  
Which was seconded.

The question being shall the main question be now put?  
It was so ordered.

The question being on concurring in the report of the committee.

Mr. Dougherty demanded a division of the question.  
Which was ordered.

The question being on concurring in that part of the report which recommends that certain instructions be laid on the table.

Messrs. Mellett and Dougherty demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Boyd, Boxley, Branham, Claypool, Colgrove, Collier, Comstock, Davis, Eastham, Edwards, Fordyce, Gregory, Griffin, Hamilton of Wayne, Hancock, Hartley, Jefferis, Johnston, Jones, Kelly, Lawhead, Lewis, McLain, Mansfield, Murray, Nebeker of Vermillion, Newton, Parks, Robinson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanfield, Summers, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman and Wildman—47.

*Those who voted in the negative were,*

Messrs. Austin, Brotherton, Carr, Cavins, Clayton, Clements, Dougherty, Durham, Devol, Early, Firestone, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hunter, Jordan, Keef-er, Major, Massey, Mellett, Merrifield, Miller, Martin, Nelson, Parrett, Power, Prosser, Ritter, Row, Shields, Shockley, Shull, Stanley, Stiles, Sullivan, Thompson of Madison, Waterman, Wood and Mr. Speaker—40.

So the report was concurred in and the instructions laid on the table.

The question being on concurring in that portion of the report recommending the adoption of the amendments reported by the committee;



Messrs. Hamilton of Boone and Harney demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Boxley, Branham, Clark, Claypool, Colgrove, Collier, Comstock, Davis, Eastham, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Jefferis, Johnston, Jones, Lawhead, Lewis, McLain, Mansfield, Murray, Nebeker of Vermillion, Newton Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Boyd, Brotherton, Carr, Cavins, Clayton, Clements, Durham, Early, Firestone, Gifford, Hamilton of Boone, Harney, Hunter, Keefer, Kelly, Major, Massey, Mellett, Merrifield, Miller, Nelson, Parrett, Row, Shields, Shockley, Shull, Stiles, Sullivan, Summers, Waterman and Wood—33.

The report was concurred in and the amendments adopted.

Mr. Robinson offered the following additional amendments :

Amend by inserting the following sections :

Sec. —. That the seventy ninth section of an act entitled “ an act to establish a bank with branches,” passed March 3, 1855, the Governor’s objections to the contrary notwithstanding, which is as follows :

SEC. 79. The capital stock of said bank and branches shall be divided into shares of fifty dollars each. No branch shall be organized until capital stock to the amount of one hundred thousand dollars shall be subscribed therefor, and the commissioners hereinbefore appointed, after giving at least thirty days notice by publication in three or more newspapers published in the city of Indianapolis, and at least twenty days notice in three or more newspapers published in each bank district, or as many as may be published in any district where there are not three published, shall cause books to be opened by the sub-commissioners to be appointed for that purpose, for the subscription of the requisite amount of stock, at such places within the districts aforesaid as shall have been designated for the location of branches ; which books shall be opened between the hours of 9 and 12, A. M., on the days and at the place specified in such notice, and if the requisite amount of stock shall not sooner be subscribed, said books may be kept open between the same hours each day, for the space of thirty days.

If more than the requisite amount of stock shall be subscribed while the books are open for any branch, the excess shall be taken first from such as reside out of the State, next from corporations; and should there still be an excess, the same shall be taken in proportion from subscriptions over one thousand dollars, until all are reduced to that amount, and then from all equally.

Be, and the same is hereby amended to read as follows:

The capital stock of said bank and branches shall be divided into shares of fifty dollars each. No branch shall be organized until capital stock to the amount of one hundred thousand dollars shall be subscribed for, and the commissioners hereinbefore appointed, or that may be hereafter appointed, for the organization of new branches, after giving at least thirty days notice by publication in three or more newspapers published in the city of Indianapolis, and at least twenty days notice in three or more newspapers published in each bank district, or as many as may be published in any district where there are not three published, shall cause books to be opened by the sub-commissioners to be appointed for that purpose, for the subscription of the requisite amount of stock, at such places within the districts as shall have been designated for the location of branches, which books shall be kept open from nine till twelve M; on the day and at the place specified in such notice, and shall be kept open from nine till twelve M. on each day, Sundays excepted, for the space of thirty days. If more than the requisite amount of stock shall be subscribed while the books are open for any branch, the excess shall be taken first from such as reside out of the State, next from corporations; and should there still be an excess, the same shall be taken in proportions from subscriptions over one thousand dollars, until all are reduced to that amount, and then from all equally.

SEC. —. As soon as the president and directors of the bank, and the president and directors of each branch, shall have filed in the office of the Secretary of State their consent to the amendments in their charter made by this act, it shall be lawful for the bank to organize the additional branches provided for in this act, and not otherwise.

Mr. Robinson moved the previous question:  
Which was seconded.

The question being shall the main question be now put?  
It was so ordered.

The question being on the adoption of the amendments offered by Mr. Robinson;  
They were agreed to.

Mr. Stanfield offered the following additional amendment :

SEC. —. That nothing in this act contained shall be so construed, as to authorize the bank to accept a part of this act, without accepting the whole of the same, and this act shall be deemed and taken to be part of the charter of such bank from and after the acceptance of the same.

Pending which,

On motion by Mr. Edwards,

The House adjourned till 7 o'clock, P. M.

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7 O'CLOCK, P. M.

The House met.

The question pending at the adjournment being on the adoption of the amendment to Senate bill No. 187, offered by Mr. Stanfield

Mr. Stanfield moved to pass over the bill informally for the present ;

Which was not agreed to.

Mr. Ritter moved the previous question,

Which was seconded.

The question being, shall the main question be now put ?

It was agreed to.

The question being on the adoption of the amendment offered by Mr. Stanfield ;

It was agreed to.

The question being on ordering the amendments to be engrossed.

Messrs. Clements and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Boyd, Boxley, Branham, Claypo o  
Colgrove, Collier, Comstock, Davis, Eastham, Edwards, Fordy c



Gregory, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hunter, Jones, Kempf, Lewis, McLain, Mansfield, Nebeker of Vermillion, Newton, Parks, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanfield, Tebbs, Thompson of Elkhart, Usrey, Wheeler, Whetzel and Wildman—43.

*Those who voted in the negative were,*

Messrs. Bowman, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Cotton, Dobbins, Dougherty, Durham, Early, Firestone, Gifford, Hall of Grant, Hamilton of Boone, Harney, Jordan, Keef-er, Kelly, Lawhead, Massey, Mellett, Merrifield, Murray, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Stanley, Sullivan, Summers, Waterman, Wood and Mr. Speaker—38.

So the amendments were ordered to be engrossed, and the bill to pass to a third reading.

Message from the Senate by Mr. Vawter, their Secretary:

I am directed by the Senate to inform the House that the Senate has passed, without amendment, the following engrossed bill of the House, viz:

House bill No. 340. A bill prescribing the time of holding the circuit court in the county of Sullivan, and to repeal all laws in conflict with this act.

Leave being granted,

Mr. Stanfield moved to take up Senate bill No. 207;

Which was agreed to.

No. 207. A bill relative to the salaries of the judges of the supreme and circuit courts, and of prosecuting attorneys in the several judicial circuits of this State.

Was taken up and read a third time.

Mr. Clements moved to amend the bill by making the salaries of the supreme judges two thousand dollars, circuit judges fifteen hundred dollars, and circuit prosecuting attorneys five hundred dollars;

Which was unanimously agreed to.

The question being being, shall Senate bill No. 207 pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Boxley, Brotherton, C Davis, Dobbins, Durham, Early, Eastham, Fir  
H. J.—64.

Gifford, Griffin, Hamilton of Boone, Kempf, Lawhead, Lewis, Mellett, Merrifield, Newton, Parks, Ritter, Scott, Sherman, Shields, Smith of Miami, Snyder, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Usrey and Whetzel—36.

*Those who voted in the negative were,*

Messrs. Blythe, Bowman, Boyd, Branham, Carr, Cavins, Clark, Clayton, Clements, Comstock, Cotton, Davisson, Dougherty, Devol, Edwards, Hall of Grant, Hall of Rush, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, McLain, Mansfield, Massey, Nebeker of Vermillion, Nelson, Prosser, Row, Ryner, Shockley, Shull, Stanley, Sullivan, Summers, Waterman, Wheeler, Wildman and Wood—42.

So the bill did not pass.

Leave being granted,

Mr. Blythe made the following report from the committee on the judiciary:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred Senate bill No. 212, entitled "a bill granting permission to the trustees of the Wabash and Erie Canal to rent or lease the same, and matters properly connected therewith," and also a resolution of enquiry relating thereto, have had the same under consideration and have directed me to report the same back with the following amendments, and when so amended the committee recommend its passage:

Strike out all of section one after the enacting clause and insert the following:

The stockholders or persons entitled to the benefit of the trust now held by the trustees of the Wabash and Erie Canal may authorize said trustees, with the assent of the State of Indiana which is hereby given, to rent or lease the said Wabash and Erie Canal or such part thereof, as the said trustees may deem advisable, for the use and benefit of the said trust to any responsible person or persons, company or corporation."

Mr. Murray moved that the report and bill be laid upon the table.

The ayes and nays being demanded by Messrs. Murray and Durham,

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Carr, Clark, Clayton, Collier, Durham, Devol, Eastham, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Jones, Jordan, Lewis, Murray, Nelson, Parks, Ritter, Robinson, Ryner-son, Shields, Shockley, Shull, Summers, Tebbs, Treadway, Usrey, Wildman and Wood—35.

*Those who voted in the negative were*

Messrs. Baird, Blythe, Brotherton, Cavins, Claypool, Clements, Comstock, Davisson, Davis, Dougherty, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hancock, Harney, Harrison, Hunter, Keefer, Kelly, Kempf, Lawhead, McLain, Mansfield, Massey, Merrifield, Miller, Nebeker of Vermillion, Newton, Power, Prosser, Row, Smith of Miami, Smith of Perry, Stiles, Sullivan, Thompson of Elkhart, Waterman, Wheeler and Whetzel—43.

So the motion did not prevail.

The amendments were then ordered to be engrossed and the bill passed to a third reading.

Leave being granted,

Mr. Brotherton, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred Senate bill No. 104, "a bill to amend the first section of "an act in relation to plank, McAdamized, tram and gravel road companies," approved March 1, 1855, and supplemental thereto, so as to enable corporations or companies to take possession of unfinished portions of said road, and complete the same where the original corporation has failed to complete it, to prevent any company or corporation, when about to abandon any such road, from removing any material used in its construction, providing for enjoining the removal of the same, and to provide for the working of such abandoned road," have had the same under consideration and have directed me to report the same back without amendment and recommend its passage.

The report was concurred in and the bill passed to a third reading.

Mr. Hartley, from the committee on roads, obtained leave and made the following report :



MR. SPEAKER:

The committee on roads to whom was referred House bill No. 332, have had the same under consideration and requested me to report it back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Brotherton moved that Senate bill No. 104 be read a third time now.

Which was agreed to.

Senate bill No. 104 was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were*

Messrs. Austin, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Early, Firestone, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Merrifield, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Wildman and Wood—71.

*Those who voted in the negative were,*

Messrs. Boyd, Devol, Edwards, Gifford, Hartley, Power, Stiles and Mr. Speaker—8.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Leave being granted,

Mr. Ritter moved to take up Senate bill

No. 175. A bill fixing the time of holding the court of common pleas in the county of Hendricks and the length of terms thereof, and repealing all laws in conflict therewith.

Which was agreed to.

The bill was then taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Dougherty, Devol, Early, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jeffers, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Merrifield, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—74.

No one voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Murray, by leave, moved to take from the table Senate bill No. 13.

Which was agreed to.

No. 13. A bill to amend the 20th, 28th, 32nd, 35th and 51st sections of an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852; Was taken up.

Mr. Murray moved to refer the bill to a select committee of five. Which was agreed to.

The Speaker appointed Messrs. Murray, Griffin, Snyder, Collier and Hamilton of Boone said committee.

Leave being granted,

Mr. Parrett moved to take up Senate message containing House bill No. 105.

Which was agreed to.

Message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to-wit :

Senate bill No. 176. A bill to amend sections eight and ten of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Also,

Senate bill No. 209. A bill to amend the first section of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

Also,

Senate bill No. 275. A bill supplemental to an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852.

House bill No. 105. An act to compel owners of town lots to grade and pave side-walks, and fixing the penalty thereto.

With the following engrossed amendments of the Senate :

Engrossed amendments to House bill No. 105.

Add after the word "paved" the words "or planked."

Also, after the second word "pave" insert the words "or plank."

Amend the title by adding after the word "pave" the words "or plank."

In which the concurrence of the House is respectfully requested.

On motion,

The amendments were concurred in.

Senate bills Nos. 275, 176 and 209, contained in the foregoing message, were severally read a first time and passed to a second reading.

Leave being granted,

Mr. Sherman moved to take up Senate message containing House bill No. 295 ;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has passed House bill No. 295, with sundry amendments of the Senate thereto.



No. 295. A bill providing for the erection of a State penitentiary north of the Wabash river, and making appropriations therefor.

Mr. Sherman moved that the engrossed amendments of the Senate to the bill be concurred in as a whole ;

Which was agreed to.

Leave being granted,

Mr. Shull moved to take up Senate message containing House bill No. 104.

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed, with sundry engrossed amendments of the Senate,

House bill No. 82. An act to regulate the practice in certain cases appealed to the supreme court. Also,

House bill No. 91. A bill to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas, of certain cases therein named. Also,

House bill No. 104. A bill to amend section seven of an act to authorize the construction of levees and drains, approved June 12, 1852. Also,

House bill No. 122. A bill to authorize the holders of unauthorized paper currency to sue for and recover from persons who have issued the same, as for money had and received without making previous holders parties to the suits, and making such currency evidence of the indentedness.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bills Nos. 82, 91, 104 and 122, respectively, contained in the foregoing message, were severally concurred in.

Leave being granted,

Mr. Shields moved to take up Senate bill No. 63, on its third reading ;

Which was agreed to.

Senate bill No. 63. A bill to amend the fifth section of an act entitled "An act to provide for the equalization and appraisement of real property of the State of Indiana," approved May 28th, 1852.

Was read a third time.

Mr. Hunter offered the following amendments :

Also, that section eight, which reads as follows :

Sec. 8. A State board of equalization, to consist of the delegates from the district boards mentioned in the next preceding section, together with the Auditor of State, who shall be the President of the State board, shall meet at Indianapolis on the first Monday in July, next succeeding the meetings of the said district boards. Such State board shall diligently and carefully examine and compare the valuations of real property as reported to them by the chairman of the district boards, with the corrections and changes made therein by the district boards, and it shall be the duty of the said State board of equalization to equalize the appraisement of the lands in this State between the several congressional districts, in conformity to the standards of value and other provisions herein prescribed in relation to the county and district boards of equalization.

Be, and the same is hereby amended to read as follows :

Sec. 8. A State board of equalization, to consist of the delegates from the district boards mentioned in the next preceding section, together with the Auditor of State, who shall be the President of the State board, shall meet at Indianapolis on the first Monday in July, next succeeding the meeting of the said district boards. Such State board shall diligently and carefully examine and compare the valuations of real property, as reported to them by the chairman of the district boards, with the corrections and changes made therein by the district boards ; and it shall be the duty of the said State board of equalization to equalize the appraisement of the lands in this State, between the several counties and congressional districts, in conformity to the standards of value and other provisions herein prescribed in relation to the county and district boards of equalization.

The amendment was unanimously consented to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Brotherton, Carr, Clark, Claypool, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dougherty, Durham, Devol, Early, Edwards, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Hamilton of Wayne,

Harney, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, McLain, Mansfield, Merrifield, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Perry, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Whetzel, Wood and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Cavins, and Waterman—2.

So the bill passed.

Mr. Edwards moved to amend the title as follows, to-wit :

Strike out the word "section" and insert in lieu thereof the words "eighth section."

Also,

Add to the end of the title the following :

Constituting county auditors' district board of equalization, providing where they shall meet, providing for equalizing appraisement between counties and congressional districts, providing for a State board of equalization, and constituting the Auditor of State President of the State board of equalization.

Which was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of the bill.

Mr. Merrifield moved to reconsider the vote taking Senate bill No. 13 from the table ;

Which was not agreed to.

Leave being granted,

Mr. Ritter moved to take up Senate bill No. 211.

Which was agreed to.

No. 211. A bill to regulate the business of foreign insurance companies doing business within the State of Indiana, and prescribing the duties of such companies, and to repeal an act entitled "an act to amend an act entitled 'an act for the incorporation of insurance companies, defining their powers and prescribing their duties,'" approved March 2, 1855;

Was taken up.

Mr. Ritter moved to suspend the rule and read the bill a second time now by its title.



The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Devol, Early, Eastham, Edwards, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jones, Kelly, Kempf, Lawhead, Lewis, Mansfield, Merrifield, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Perry, Stanley, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Treadway, Usrey, Whetzel, Wood and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Colgrove and Dougherty—2.

So the rule was suspended and the bill read a second time by its title.

Mr. Ritter moved to refer the bill to a select committee of five. Which was agreed to.

The Speaker appointed Messrs. Ritter, Cavins, Edwards, Davis and Scott said committee.

Message from the Governor by Mr. Osborne, Executive Messenger.

**MR. SPEAKER:**

I am directed by the Governor to inform the House that he has approved and signed the following bills :

House bill No. 215. An act to provide for locating and working highways situated upon county lines.

House bill No. 124. An act to prevent the throwing or depositing any carrion or dead animal into any running stream or lake of water in this State, and to prevent the depositing or burying any carrion or dead animal on the banks of the same, and prescribing the penalty for the violation thereof.

House bill No. 136. An act for the protection of the sidewalks in towns and villages, and for the preservation of shade trees planted along the same.

House bill No. 130. An act to compel supervisors of road districts within the limits of incorporated towns to work the same under the direction of the town council.

House bill No. 108. An act to prevent the gathering of cranberries from any of the public, State and non resident lands of this State, and prescribing penalties therefor.

House bill No. 142. An act to authorize the board of commissioners of the several counties of this State to make such an allowance out of the county treasury of the respective counties as will indemnify the owners of property for losses sustained by taking, carrying away or destruction of such property by any officer under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855, and reimburse the officers named in said act who in good faith have executed the provisions thereof and been subjected to loss thereby, and authorizing an allowance to officers who have paid costs in cases of habeas corpus under said act.

House bill No. 143. An act to legalize the appraisement and assessment of property in the cities of this State, and the making out and delivery of the tax duplicates in the cities of this State incorporated under the act of 1857.

Leave being granted,

Mr. Smith of Miami moved to take up Senate bill No. 30 on its third reading.

Which was agreed to.

Senate bill No. 30. A bill to provide for the transferring of the certificates of stock of the State of Indiana, providing for the registry of the same, and to prevent a fraudulent issue thereof, and providing a punishment for violations of the provisions of this act.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Early, Edwards, For dyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Mas-

sey, Merrifield, Miller, Murray, Nebeker of Vermillion, Newton, Parks, Parrett, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Treadway, Waterman, Whetzel, Wood and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Harney and Prosser—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Leave being granted,

Mr. Thompson of Elkhart moved to take up Senate bill No. 178.  
Which was agreed to.

Senate bill No. 178. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and matters properly connected therewith.

Was taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Brotherton, Carr, Clark, Claypool, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Harney, Harrison, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Merrifield, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Thompson of Elkhart, Treadway, Waterman and Wood—63.

*Those who voted in the negative were,*

Messrs. Cavins, Hall of Rush, Hunter, Jefferis, Shields, Whetzel and Mr. Speaker—7.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Leave being granted,

Mr. Colgrove moved to take up Senate bill No. 264.  
Which was agreed to.



No. 264. A bill supplemental to an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852, and making the order of the board of commissioners under section nine of said act final in certain cases.

Was taken up and read a second time.

Mr. Colgrove moved to suspend the rule and read the bill a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Carr, Clark, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Early, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jones, Jordan, Kelly, Kempf, Lewis, McLain, Mansfield, Massey, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Treadway, Whetzel and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Brotherton, Cavins, Dougherty, and Waterman—4.

So the rule was suspended, and

Senate bill No. 264 was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jones, Jordan, Kelly, Kempf, Lewis, McLain, Mansfield, Massey, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Tebbs, Thompson of Elkhart, Treadway, Waterman, Whetzel, Wood and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Cavins, Dougherty, Prosser, Stiles, and Sullivan—5.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Leave being granted,

Mr. Comstock moved to take up Senate bill No. 17;

Which was agreed to.

No. 17. A bill to provide for the partition of real estate, and for laying the same off into alleys, and for the sale thereof, and also to provide when the same shall take effect;

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jones, Jordan, Kelly, Kempf, McLain, Mansfield, Massey, Miller, Murray, Nebeker of Vermillion, Newton, Parks, Parrett, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shockley, Shall, Smith of Perry, Snyder, Stanley, Stiles, Tebbs, Thompson of Elkhart, Treadway, Wheeler, Whetzel and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Dougherty, Lewis, Nelson, Prosser, Sullivan, Waterman and Wood—7.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Leave being granted,

Mr. Blythe moved to take up Senate bill No. 226;

Which was agreed to.

No. 226. A bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, phrenological institutions and missionary boards," approved May 13, 1852,

Was taken up, read a second time, and passed to a third reading.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 208. A bill to amend the first section of an act entitled "An act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained.

Was read a second time.

Mr. Austin moved to refer the bill to a select committee of five; Which was agreed to.

Messrs. Austin, Blythe, Sherman, Devol and Newton were appointed said committee.

No. 73. A bill to provide for the collection of taxes assessed against lands and lots mortgaged to secure loans made by the sinking fund, surplus revenue fund, saline fund, congressional township fund, seminary fund, college, and any other public or trust fund, to prevent loss of the security held by said funds, and to repeal the eighth section of chapter six of Revised Statutes of 1852.

Was read a second time and passed to a third reading.

Senate bill No. 206. A bill to amend section twenty-four of an act entitled "An act concerning real property and the alienation thereof," approved May 6th, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 77. A bill to amend the eighteenth section of an act entitled "an act concerning real property, and the alienation thereof," approved May 6, 1852;

Was read a second time, and passed to a third reading.

No. 78. A bill to amend the sixteenth section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 127. A bill to amend the 18th, 25th and 26th sections of an act regulating descents, and the apportionment of estates, approved May 14, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 224. A bill authorizing and empowering super-



visors of highways to keep in repair roads changed by the construction or running of railroads.

Was read a second time and passed to a third reading.

Senate bill No. 205. A bill to repeal all laws now in force establishing the time of holding courts in the common pleas district composed of the counties of Washington, Harrison, Orange and Crawford, and to fix the times of holding said courts."

Was read a second time, and passed to a third reading.

No. 164. A bill to amend the eleventh section of an act entitled an act establishing courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14, 1852, and to give courts of common pleas jurisdiction of felonies in certain cases.

Was read a second time, and passed to a third reading.

Mr. Austin, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 208, have had the same under consideration, and have agreed to one amendment to said bill, which is to add the following sections, which, when added, the committee recommend the passage of said bill:

SEC. 3. That whenever, under any laws of this State, a new county shall have been created, it shall be the duty of the Governor to issue a writ of election, directed to some person in such new county, whom he shall appoint to act as sheriff until the next general election, and until his successor is elected and qualified, requiring him to cause an election to be held at such place or places in said county as he may direct, on such day as may be designated in the writ of election, for the purpose of electing one clerk of the circuit court, one county auditor, one county recorder, one county treasurer, one sheriff and three commissioners.

SEC. 4. The person to whom the writ of election is directed, shall have power, and is required to appoint the necessary officers of such election, which officers of election shall be governed by the law now in force regulating elections, and shall make return to the acting sheriff on the Wednesday following, at such place in the county as he may have designated.

SEC. 5. The person to whom the writ of election is directed in a new county, shall give at least ten days notice of the time and place, or places, where such election is to be held, and also of the place where the returns are to be made to him, by setting up written notices thereof in three of the most public places in each election district which he may establish in such county, and on return

of the election being made to him, and the vote compared according to law he shall give to each of the commissioners a certificate of his election, and the time he is elected to serve, having a regard to the law: and shall also, within ten days after said returns are so made to him, forward to the Secretary of State a certificate of the persons who are elected to the offices, requiring a commission from the Governor.

SEC. 6. The person so appointed as sheriff, is authorized to administer such oaths as are required by the constitution and laws of the State, certified copies of which he shall file in the office of the clerk of the circuit court whenever it shall be established.

SEC. 7. All officers following within the bounds of a new county, shall continue to exercise the duties of their several offices until they are succeeded by others duly qualified to take their places.

SEC. 8. No suit or action of any nature whatsoever, commenced in any court of record, or before any justice of the peace, shall in anywise be affected by the laying off or organizing any new county, and all taxes that may be due the State, or any county in the State, at the time of organizing any new county, shall be collected in the same manner as if such new county had not been organized.

SEC. 9. Said new county shall, for purposes of representation in the State Legislature, when formed out of a county now organized, remain in the district to which the county from which it was taken belonged, until a different apportionment is provided by law, and for judicial purposes, shall remain a part of the district to which the original county was attached.

SEC. 10. Whenever a new county shall be formed out of a contiguous territory of one or more counties, the same shall, for representation or judicial purposes, be attached to the county from which the smallest portion of the territory was taken; and the circuit court shall be holden in such new county at such times as the presiding judge in which circuit the said new county may be, shall appoint; and said judge shall have full power and authority to make all necessary orders in relation thereto.

The report was concurred in, and the amendments ordered to be engrossed.

Senate bill No. 143. A bill to regulate and restrict the sale, barter or giving away of spirituous and intoxicating liquors, to be used as a beverage, and to prohibit the sale, barter or gift of the same to certain persons, under certain circumstances, and to punish any violations of any of the provisions of this act, and declarative of the duties of district or city attorneys in relation thereto, and affixing the penalty for neglect or failure to discharge said duties.

Was read a second time.

H. J.—65.

Mr. Robinson moved to strike out the ninth section of said bill;  
Which was not agreed to.

The bill then passed to a third reading.

Senate bill No. 153. A bill to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject.

Was read a second time and passed to a third reading.

Senate bill No. 210. A bill to amend an act entitled "an act defining misdemeanors and prescribing punishments therefor, approved June 14, 1852," approved Feb. 15, 1857, and to revive section twenty-eight of the act defining misdemeanors and prescribing punishment therefor, approved June 14, 1851.

Was read a second time, and passed to a third reading.

Senate bill No. 183. A bill in relation to the partition of real estate.

Was read a second time, and passed to a third reading.

No. 165. A bill to amend the sixteenth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a second time.

Mr. Austin moved that the bill be referred to a select committee of three,

Which was agreed to.

The Speaker appointed Messrs. Austin, Robinson and Treadway said committee.

No. 158. A bill to limit jurisdiction in civil actions to the county or township where one of the parties immediately liable to judgment resides.

Was read a second time and passed to a third reading.

Senate bill No. 46. A bill to amend section four of an act to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana.

Was read a second time.

Mr. Gordon moved to lay the bill on the table.

Which was agreed to.

Senate bill No. 146. A bill to provide for the publication of all acts and joint resolutions of the General Assembly which contain an emergency clause in one weekly newspaper of the several coun.



ties of the State in which one is published, and the time that said act shall take effect.

Mr. Hunter moved to lay the bill on the table.  
Which was not agreed to.

Senate bill No. 163. A bill relinquishing to William English of Dearborn county the interest acquired by the State of Indiana by escheat in and to in-lot No. thirty-three, (33) in Rossville, in said county.

Was read a second time and passed to a third reading.

Senate bill No. 117. An act to amend the 238th and 241st sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide for the examination and taking the depositions of parties as witnesses in civil actions and proceedings.

Was read a second time and passed to a third reading.

Mr. Hunter obtained leave and introduced House bill

No. 345. A bill fixing the time of holding the courts of common pleas in the counties of Morgan, Monroe and Brown, and repealing all acts inconsistent therewith.

Which was read a first time and passed to a second reading.

Senate bill No. 81. A bill fixing the compensation of executors and administrators, and to repeal section 148 of chapter 10, Vol. 2, Revised Statutes of 1852.

Was read a first time and passed to a second reading.

Senate bill No. 150. A bill declaring the selling or conveying of land without title a felony, and prescribing punishment therefor.

Was read a second time, and

On motion by Mr. Clements,  
Was laid on the table.

Senate bill No. 132. A bill for the protection of the Sabbath, with penalties for the violation thereof, and to repeal an act entitled "An act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28th, 1855,

Was read a second time and passed to a third reading.

Senate bill No. 266. A bill to amend section nineteen of an

act entitled "an act regarding estrays and articles adrift," approved June 16, 1852.

Was read a second time and passed to a third reading.

No. 55. A bill to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Was read a second time and passed to a third reading.

Senate bill No. 156, A bill authorizing the purchase of railroads, plank roads, turnpike roads and McAdamized roads, or parts thereof, under mortgage sale, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties.

Was read a second time and passed to a third reading.

Senate bill No. 193. A bill to enable married women to make wills.

Was read a second time and passed to a third reading.

Senate bill No. 129. An act declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor.

Was read a second time and passed to a third reading.

No. 79. A bill to extend the time of payment to purchasers of saline and school lands.

Was read a second time and passed to a third reading.

No. 69. A bill to legalize all bonds and other instruments in writing executed by any assignee of a branch of the State Bank of Indiana, and authorize suit to be brought thereon, and to empower the debtors of any branch to secure the same to the sinking fund.

Was read a second time and passed to a third reading.

Senate bill No. 119. A bill to amend section five of an act entitled "an act concerning the partition of lands."

Was read a second time and passed to a third reading.

Senate bill No. 204. A bill to amend an act entitled "An act to provide for the election, and prescribing certain duties of recorders," approved May 31, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 188. A bill to provide for oral argument and

speedy decision of causes in the Supreme Court, and to repeal all laws inconsistent with this act. Also,

Was read a second time and passed to a third reading.

Senate bill No. 163. A bill relinquishing to William English of Dearborn county the interest acquired by the State of Indiana by escheat in and to in-lot No. (33) thirty-three in Rossville in said county.

Was read a second time and passed to a third reading.

Leave being granted,

Mr. Mansfield made the following report from the committee on education :

MR. SPEAKER :

The committee on education to whom was referred House bill No. 234, "An act to provide for taking appeals from the decisions of officers having charge of common schools or school funds, to the proper county auditor, and to provide for the repeal of all laws coming in conflict with this act," have had the same under consideration and recommend the following amendment, and when so amended recommend the passage of the bill.

Amend by striking out all after the enacting clause and inserting the following :

That section four of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith ; and to establish township libraries and for the regulations thereof," approved March 5, 1855, which reads as follows :

Sec. 4. Each civil township in the several counties in this State is hereby declared a township for school purposes, and the trustees for such townships trustees for school purposes, and their clerk and treasurer shall be the clerk and treasurer for school purposes.

Be so amended as to read as follows :

Sec. 4. Each civil township in the several counties in this State is hereby declared a township for school purpose, and the trustee for such township shall be trustee, treasurer and clerk for school purposes.

Sec. 2. And that sec 27 of said act, which reads as follows :

Sec. 27. The schools in each township shall be taught an equal length of time, without regard to the diversity in the number of pupils at the several schools.



Be amended to read as follows :

Sec. 27. The trustee of the several townships shall, on the first Monday of June in each year, determine and apportion the public moneys in his township for school purposes amongst the schools thereof, so that each school be taught an equal length of time as near as practicable, without regard to the diversity in the number of pupils at the several schools.

And that section 107 of said act, which reads as follows :

Sec. 107. The township trustees shall in every case in which a majority of the inhabitants attached to any school have designated the teacher they wish employed, employ the same if he or she can be had on reasonable terms; and in no case shall such trustees employ any teacher whom a majority of the inhabitants attached to any school have decided they do not wish employed; and when at any time after the commencement of any school, if a majority of the inhabitants petition said trustees that they wish such teacher dismissed, such trustees shall dismiss him, but such teacher shall be entitled to pay for all services rendered.

Be amended to read as follows :

Sec. 107. The school directors shall in every case in which a majority of the inhabitants attached to any school have designated the teacher they wish employed, employ the same on the terms that such inhabitants direct, and at any time after the commencement of any school, if a majority of said inhabitants petition said director that they wish such teacher dismissed, such director shall dismiss him, but such teacher shall be entitled to pay for all services rendered on the order of the school director, and it is hereby made the duty of the director to give the teacher in all cases an order on the township treasurer for the amount due such teacher, and to carry out all orders of such inhabitants.

Sec. 4. And that section 143 of the aforesaid act, which reads as follows :

“Section 143. An appeal shall lie from the decision of the township trustees to the State Superintendent, whose decision shall be final.”

Be amended to read as follows :

Sec. 143. An appeal shall lie from the decision of the township trustee, or the township officer having charge of the common schools or the school funds, to the county auditor, whose decision shall be final.

Sec. 5. All laws and parts of laws coming in conflict with the provisions of this act be and the same are hereby repealed.

The report was concurred in and the amendments adopted.

The bill was then ordered to be engrossed,

Senate bill No. 45. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State, and matters properly connected therewith, and to repeal all laws in conflict with this act.

Was read a second time and passed to a third reading.

Senate bill No. 199. An act to authorize clerks of the circuit and common pleas courts of this State to make out certificates of the payment of all judgments which may hereafter be rendered in such courts upon the foreclosure of any mortgage, when such judgments shall have been fully paid, and deliver the same to the recorder of such county, and requiring such recorder to enter such certificate upon the records of his office.

Was read a second time and passed to a third reading.

Senate bill No. 94. A bill to amend the 1st and 6th sections of, "an act for the encouragement of agriculture," approved February 17, 1852.

Was read a second time and passed to a third reading.

No. 58. A bill to amend the fourteenth section of an act entitled "an act for the government of the insane of Indiana," approved January 15, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 38. A bill to enable industrious indigent persons who are unable to give security, to rent lands and to secure the payment of rent.

Was read a second time and passed to a third reading.

Senate bill No. 238. A bill for the better protection of orchards, gardens and vineyards.

Was read a second time and passed to a third reading.

Mr. Griffin moved to re-consider the vote on ordering the amendment to Senate bill No. 208 to be engrossed.

Which was agreed to.

Mr. Griffin moved to re-commit the bill to the select committee to which it was referred.

Which was agreed to.

Senate bill No. 151. A bill entitled an act to authorize appeals from the circuit courts within this State to the Supreme court in contested election cases.

Was read a second time and passed to a third reading.

Senate bill No. 122. A bill supplemental to an act entitled "an



act to provide for the government and discipline of the State Prison," and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved February 5, 1857.

Was read a second time and passed to a third reading.

Senate bill No. 263. A bill fixing the time of holding the court of common pleas in the county of Wabash and the length of the terms thereof.

Was read a first time and passed to a third reading.

Senate bill No. 130. A bill to prevent the sale of adulterated liquors, to prevent adulteration and to prescribe punishment therefor, and appointing a county chemist and prescribing his duties.

Was read a second time and passed to a third reading.

Senate bill No. 202. A bill supplemental to article 9, regulating attachments, of chapter one of the Revised Statutes of 1852, "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 155. A bill to prevent the keeping of gaming, tippling, lewd or disorderly houses, to protect the public morals, to define the duties of certain officers in relation thereto, to provide punishment for violations of this act, and to repeal all laws in conflict therewith.

Was read a second time and passed to a third reading.

Senate bill No. 106. A bill to provide for the relief of purchasers of real estate at sheriffs' sales under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the Revised Statutes of 1852 took effect, and where such sureties, being the owners of such real estate, had sold and conveyed the same after becoming such recognizers, but before judgment of forfeiture thereof had been taken.

Was read a second time and passed to a third reading.

Senate bill No. 121. A bill to protect those who exhibit animals or articles at any agricultural exhibition, and to punish any person or persons who may be detected in the removal of any label placed on any animal or article put on exhibition, and to punish persons who may enter fair grounds or other places of agricultural exhibition contrary to the rules of the society regulating the admission of persons to the same.

Was read a second time and passed to a third reading.



No. 103. A bill to prohibit the collection of tolls on gravel, turnpike, McAdamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent herewith.

Was read a second time and passed to a third reading.

Senate bill No. 2. A bill providing for the time and manner of electing United States Senators.

Was read a second time and passed to a third reading.

Senate bill No. 201. A bill to require surviving partners to file inventories and appraisements in the office of the clerk of the court of common pleas and to report the liabilities of the firm.

Was read a second time and passed to a third reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof:

Senate bill No. 277. A bill to fix the terms of the Hancock circuit court after the next term thereof, and to authorize the court at each term thereof to continue in session two weeks if the business requires it.

In which the concurrence of the House is respectfully requested

Senate bill No. 277, contained in the foregoing message,

Was read a first time and passed to a second reading.

Mr. Austin, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 208, make the following report:

Amend by inserting the word "hereafter" in second line of section three, and when so amended recommend its passage.

The report was concurred in.

On motion,

The amendments were ordered to be engrossed and the bill passed to a third reading.

On motion by Mr. Griffin,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock,  
March 4, 1859. }

The House met.

On motion of Mr. Austin,  
The reading of the journal was dispensed with.

Mr. Austin obtained leave and made the following report from a select committee :

MR. SPEAKER :

The select committee to whom was referred Senate bill No. 165, entitled "a bill to amend section fifteen of "an act defining felonies, and prescribing punishment therefor," have had the same under consideration and direct me to report the same back to this House amended by striking out the words "under the age of twenty-one years," and when so amended recommend its passage.

The report was concurred in and the amendments ordered to be engrossed.

Mr. Austin moved that the amendment be considered as engrossed and the bill read a third time now.

Which was agreed to.

Senate bill No. 165 was read a third time now.

Mr. Branham moved a call of the House.

Which was ordered.

The Clerk proceeded with the call when the following members answered to their names.

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman,

Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—84.

The question being shall Senate bill No. 165 pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Carr, Cavins, Clark, Clayton, Collier, Comstock, Davisson, Davis, Fordyce, Hamilton of Wayne, Harrison, Kempf, Lawhead, Massey, Murray, Martin, Nelson, Snyder, Stanfield, Treadway, Whetzel and Whiteman—25.

*Those who voted in the negative were,*

Messrs. Blythe, Boyd, Boxley, Branham, Cotton, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Nebeker of Vermillion, Newton, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Stanley, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wildman, Wood and Mr. Speaker—57.

So the bill was lost.

Message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House without amendment:

House bill No. 169. A bill for the relief of the heirs at law of John Coran deceased, and to vest in them certain real estate which has escheated to the State of Indiana.

House bill No. 328. A bill to amend the 143d section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and Auditors of State."

House bill No. 72. A bill to amend sections one and two of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1, 1853, and to provide for the manner of service of process.



House bill No. 339. A bill to provide for the sale of the certificates of stocks in the State debt sinking fund, and the appropriation of the proceeds thereof to the payment of interest on the State debt and for the current expenses of the State.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Mellett, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 180, "a bill for the relief of Joel Ellis by paying him for improvements made upon lands illegally sold for taxes, and directing the same to be paid out of the State Treasury," together with a memorial addressed to this General Assembly by the said Joel Ellis, have had the same under consideration and instruct me to report the same back to this House and respectfully recommend that both the bill and the memorial be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Colgrove, from the same committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 309, "an act to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1855, have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Davis, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 330, providing for the occupation of certain lands donated by Congress for agricultural colleges, &c., have had the same under consideration and directed me to report said bill back to the House and recommend that it be laid upon the table, inasmuch as no lands have been donated by Congress for any such purposes, the President having vetoed the bill.

The report was concurred in and the bill laid on the table.

Mr. Murray moved to re-consider the vote indefinitely postponing House bill No. 309.

Which was not agreed to.

Mr. Colgrove, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 257, have had the same under consideration and have directed me to report the same back and recommend its passage.

The report was concurred in.

Mr. Mansfield, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education to whom was referred Senate bill No. 85, entitled "a bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to repeal "an act to provide for a general system of common schools. the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to establish township libraries, and for the regulation thereof;" and all other laws in conflict with this act," have had the same under consideration and have instructed me to report that in their opinion the repeal of the entire school law, as now existing, and the substitution of the system contained in this bill would be inexpedient, they recommend therefore that the bill be laid on the table.

The report was concurred in and the bill laid on the table.

Mr. Hamilton of Boone, from the committee on swamp lands, made the following report;

MR. SPEAKER:

The joint committee appointed in pursuance of the following concurrent resolution of the Senate and House of Representatives, to-wit:

*Resolved*, By the Senate, the House concurring, that a joint committee of the two Houses be appointed, two on the part of each House, to inquire into the alledged frauds concerning the swamp lands, with full power to send for witnesses and papers, to administer the necessary oaths and do all things necessary to a full examination of the matter, and to receive from the committee on swamp lands the evidence taken at the last session, and adopt the same as



part of their examination, and report to the session of the General Assembly, adopted by the Senate January 14, 1859.

Beg leave to report that they have found the field for investigation so very complicated and extensive, compared with the shortness of the time allowed, that they have been compelled to stop far short of a full investigation, but the evidence, so far as they have gone, has developed a course of systematic fraud and speculation unheard of in the history of our State. Many flagrant violations of the law relating to the swamp lands and disposal of the funds arising therefrom, and many cases of fraud upon these funds, and of fraudulently obtaining from the State, without consideration, large bodies of these lands, brought to the knowledge of the committee, can not be noticed in this report for the reason that the conflicting statements of the witnesses who have testified, occasioned by their varied and conflicting interests and feelings, have left the mode and detail of these wrongs in doubt, which could not be cleared away for want of time for further investigation in these matters. But for a knowledge of this whole subject as presented to the committee, and the difficulty they have had to encounter, they would respectfully refer your honorable body to the testimony herewith filed.

By the act of Congress of Sept. 28, 1850, the swamp and overflowed lands in the State, belonging to the United States, were granted to the State of Indiana upon condition that the same should be drained and reclaimed and rendered fit for agricultural purposes. By the provisions of the second section of that act it was made the duty of the Secretary of the Interior to transmit to the Governor of the State, upon his request, a list and plats of the swamp lands previously ascertained, together with patents therefor, vesting the title in the State subject to the disposal of the Legislature, with the express proviso "that the proceeds of said lands, whether from sale or direct appropriation in kind, shall be applied *exclusively*, as far as necessary, to the reclaiming of said lands.

As near as can be ascertained by your committee the amount of lands patented by the General Government to the State under the act aforesaid, and under the act of Congress of March 2nd, 1855, granting lands to the State for swamp lands which had been located upon by military land warrants, amounted to 1,252,638 and 65-100 acres. It has been decided by the Commissioner of the General Land Office that the title to all unsold lands in the State that belonged to the United States on the 28th of September, 1850, (see act of Congress of this date as aforesaid,) that were swamp lands vested in the State by the passage of said act, at which time the government lands were selling rapidly in different parts of the State. The minimum price of those sold within the limits of what was the Miami Reservation, was two dollars per acre.

Your committee have been unable to ascertain what amount of these lands, afterwards ascertained to be swamp lands, were sold at the United States Land Offices at two dollars per acre, nor wheth-



er the United States Land Offices have refunded to the State the two dollars per acre received for all swamp lands sold at that price, from the fact that there is no data in either the office of the Auditor or Treasurer of State showing these facts.

Your committee would therefore recommend that the Auditor of State be required to ascertain without delay whether the United States have paid over to the State the two dollars per acre for all swamp lands sold at that price after the passage of the act of Sept. 28, 1850, or whether the sum of one dollar and 25-100 per acre was only paid over upon swamp lands so sold, seventy-five cents per acre being retained; and if it is found that this sum upon lands so sold has been retained, that payment of the same be demanded of the United States.

Your committee find from the evidence of Aquilla Jones, late Treasurer of State, that of the sum of \$18,529 25, paid by the United States to Governor Willard for lands sold at the United States Land Offices, that were selected by the State as swamp lands, only \$17,529 25-100 were paid into the State Treasury, leaving the sum of \$1,000 in his hands. Your committee have been unable to ascertain by what right, or under what law, or for what purpose said sum of \$1,000 was so retained by the Governor, and for the purpose of obtaining information upon this point addressed to him a note some weeks since respectfully asking for information relative thereto, but have obtained no reply from him. From the fact that it is shown by the books of the Auditor of State that the Governor has received the sum of \$1,970 75-100 in the shape of fees for swamp land services, your committee are compelled to believe that the sum of \$1,000 is retained from the State Treasury in violation of law, and would therefore recommend that immediate steps be taken to recover this sum for the benefit of the swamp land fund.

From evidence before your committee on public expenditures, to which your honorable body is respectfully referred, your committee find that large sums of money have been abstracted from the several swamp lands fund of the State in the shape of fees and charges unauthorized by law, principally by N. Hayden, E. B. Collins and Daniel McClure, whilst they respectively held the office of Secretary of State.

It will be seen by reference to the report aforesaid, and facts obtained therefrom, that the gross amount thus illegally taken from the swamp land fund amounts to \$14,144 90.

Your committee most heartily concur in the resolution reported by that committee, that prompt steps be taken to have this matter judicially investigated for the benefit of the swamp land fund.

We find that the county treasurers were instructed by Auditor Dunn, without authority of law, to issue to purchasers of swamp lands certificates for every sub-division of 40 acres purchased, without regard to the amount of land sold at a time in one body. The greater part of these lands have been bought by purchasers in

larger bodies than 40 acres, frequently in whole sections at a time, but by the regulation established by Auditor Dunn and adhered to by all his successors, sixteen patents have been issued for every section of these lands sold. A separate fee is charged by the Governor, Auditor and Secretary of State for each patent issued. The fee of the Governor has been uniformly  $16\frac{2}{3}$  cents upon each patent; that of the Auditor of State has been fifty cents upon each patent, and while Secretary Hayden and Collins charged a fee of 50 cents on each patent, Secretary McClure, for the same service, charged \$1 00. It will be seen upon taking the rate of fees charged upon the patents by the Governor, Auditors and Secretaries Hayden and Collins, that the additional amount of expense caused to the swamp land fund by this unjust regulation, where a section is sold to a purchaser at one time, is \$18 67 instead of 1 17, as it should be. At the rate of charges made by Secretary McClure it would amount to \$26 67 instead of \$1 17. The committee estimates the loss to the swamp land fund on account of this mode of charging at about \$10,000.

But the wrong and expense occasioned by this regulation is not only to the State, for it occasions to the purchaser an almost equal expense in the transfer and recording of patents. The law allows to the county auditor twelve and a half cents for each description of lands transferred for taxation, and to the recorder one dollar for each deed recorded. The poor man, who buys 80 acres of swamp land from the State, is caused by this regulation to pay to the county auditor twenty-five cents instead of twelve and a half cents, and to the recorder two instead of one dollar; and the man that buys a section pays to the county auditor two dollars instead of twelve and a half cents, and to the recorder sixteen dollars instead of one.

The committee find in the evidence that the officers of State have been in the habit of retaining ten per cent. upon the gross amount of sales of swamp lands made by the counties over and above their fees, and have been unable to find any authority of law for their so doing, and estimate at least \$75,000 have been retained out of the swamp land fund in this way from the counties. The committee find from an act approved February 14, 1851 entitled an "act to provide for defraying the expenses of selecting the overflowed and swamp lands in the State of Indiana, and for other purposes," that provision was made for the payment "of all county surveyors and other persons employed in selecting and designating the swamp and overflowed lands in this State," and that this act confirmed and legalized the proceedings of Governor Wright in employing these persons to select and designate the swamp lands, and that all that were supposed to be swamp lands were selected by them, amounting to over one million of acres.

A second selection was afterwards made of some swamp lands that had been overlooked in the first selection and also of land in lien of some swamp lands that had been located upon by United



States land warrants. The committee is compelled to believe that exorbitant and unauthorized charges were paid to persons appointed by the Governor in making these last selections. They find that there has been paid to Benjamin Reynolds of White county the sum of \$7,448 50, and to other persons the sum of \$1,604, making in all the sum of \$9,052 50.

The law of 1852 provided for the sale of the swamp lands in the several counties by the county officers. Under this act all of these lands in some of the counties were disposed of, whilst in others large bodies remained unsold at the passage of the act of 1857, which act made "direct appropriation in kind" for the purpose of reclaiming for agricultural purposes such lands.

By the law of 1852 it was made the duty of the Governor to appoint swamp land commissioners in every county owning swamp lands. In many instances these appointments were singularly unfortunate, possessing neither qualification nor honesty of such a character as to fit them for their responsibilities. We have had our attention called to the official misconduct of these officers in several counties, but have found it utterly impossible to give the subject that investigation which the interests of the State and justice demand.

In the county of Jasper our investigations have satisfied us that the officers of that county have not only aided others in the commission of great frauds upon the swamp land funds, but have also been participants in the profits arising therefrom. In this charge we make no reference to the present treasurer and auditor of this county. The commissioner, at a letting of a large amount of ditching under the law of 1852, let almost the entire work to one man for the sum of 25 cents the cubic yard, although at this letting there were other good and responsible bids for the same work at 14 cents the cubic yard, and one as low as 10 cents. The ditching contracted for at this letting has never been finished according to the plans and specifications, and some of the ditches are worthless. The entire estimates of this work, amounting to \$39,451 59, have been paid to the contractor. According to the testimony before us this one transaction has resulted in great loss to the swamp land fund, and loss to the value of real estate in the vicinity of the work.

In the year 1856 without the color of law and in violation of all right the then Auditor of State, Hiram E. Talbott, directed the auditor of Jasper county to withhold from sale a large amount of swamp lands designated by him. The committee are compelled to conclude that this order was prompted with a view to personal and private speculation. See the letter of the Auditor and the letter of A. B. Condit on file. This no doubt was the commencement of a system of frauds unheard of before. A spirit of speculation in these lands was engendered, and in a short time there were formed four separate companies, who *selected*, as they termed it, and actually obtained, by the complicity of the swamp land com-



missioners, deeds for about 124,000 acres, of the best of the vacant lands in the county. For the names of the parties to this scheme we refer you to the evidence herewith filed. The deeds to these lands were procured without the shadow of law from the Officers of State.

The swamp land act, approved March 5, 1857, required that these fraudulent conveyances should be returned and canceled when the work was not completed, but provided that the loose contracts upon which they had been obtained might be ratified and confirmed by the Swamp Land Commissioners; and provided, that the contractors might file with the county auditor lists of the lands selected by them to be taken in payment for ditching, and the sale of these selected lands was then prohibited by the county officers till the completion or perfecting of the contract for the payment of which they were filed, and that seventy-five cents upon the estimates of the work done, should be issued to the contractor until all was done, when these certificates for the whole should be issued; and provided further, that the contractor might at any time, by depositing \$1 25 per acre with the county treasurers, for the whole, or any part of the lands in his list, take out certificates and procure patents for the same, and that the money so paid into the county treasury, should be there retained to be re-paid to the contractor at the rate of seventy-five per cent. upon the estimates of work done until the contract was completed, when all should be repaid. Under this law, the Swamp Land Commissioner of Jasper county confirmed all the old contracts at 20 cts. per cubic yard, which had been originally let at from 12 to 18 cents per cubic yard, and the contractors were permitted to file lists of lands to any amount they desired, and the amounts of their respective contracts were swelled up to cover the amount filed; and soon after the taking effect of this law, all the unsold swamp lands in Jasper county, amounting to about 175,000 acres, were then absorbed, and nearly all the contractors, without paying any money into the county treasury, by private arrangements with Jacob Markell, the then treasurer of Jasper county, obtained from him certificates of purchase, and upon these obtained the greater part of their patents for these lands. In a few instances, the contracts have been in whole or in part completed, but probably not one-half of the ditching is yet completed. From estimates of the whole amount of these contracts, and of the amount of the work done upon the same at the expiration of the term of office of said Markell, he should have paid over to his successor in office at least one hundred thousand dollars (\$100,000) of money, deposited with him by contractors for lands obtained by them; but not one cent was so paid over by him.

The lands being gone, and there being no money for the same on deposit in the county treasury, and consequently no incentive to the completion of the contract, and their being no law to enforce their completion, your committee would recommend that some law be passed to remedy this defect.

There is evidence before the committee showing that Markell, without the shadow of authority or law, issued to P. M. Kent, in the name of his brother and others, certificates of purchase for a large amount of these lands previously filed for by contractors, and that upon these fraudulent certificates Kent obtained patents, and that the contractor, whose lands he had thus stolen, in order to avoid troublesome and expensive litigation, compromised with him, permitting him to retain three thousand five hundred acres (3,500) of the land thus obtained, of which Markell got a portion.

From the evidence in possession of your committee, they cannot but express their surprise that Governor Willard should have appointed Jacob Markell to the responsible office of Swamp Land Commissioner of Jasper county. Soon after the expiration of his term of office as Treasurer of said county, notwithstanding it was known to his Excellency that said Markell had been sued on his official bond as a defaulter to the Swamp Land Fund in 1855, which said suit he had compromised by giving his notes with surety for the sum of \$23,460 30, thus acknowledging his defalcation, and the greater part of those notes, though due, were still outstanding and unpaid; and notwithstanding it was known to his Excellency that said Markell had again been sued in 1856 upon his official bond as swamp land treasurer, for a further defalcation of \$14,000 to the Swamp Land Fund, as certified by the Auditor of State, and that in 1857 judgment was obtained against him in another suit upon his official bond as county treasurer, to the amount of \$1,000 for State revenue, and that was then, and still is pending against him upon his official bond for defalcation of county revenue, and had not, at the date of his appointment as said commissioner, and still has not settled with the Auditor and Treasurer of State or county commissioners for either State, swamp land or county revenues—and notwithstanding it was known to his Excellency that by sec. 10, art. 2 of the Constitution of the State of Indiana, said Markell was wholly “ineligible to any office of trust or profit,” and that by an act of the Legislature, approved March 1, 1855, (see Acts 1855, p. 85,) he was guilty of felony. Still, with a full knowledge of all these disqualifications and disabilities, he (Markell,) was appointed and invested by his Excellency with the duties of this important and responsible office, for the performance of which he is not required to give any bond. In view of all these facts, your committee would recommend that his Excellency be respectfully requested to remove Mr. Markell from said office.

Your committee find that in Lake county frauds of the grossest kind have been committed by the present swamp land commissioner, S. R. Childs, in connexion with the treasurer and Dr. Stanton—that said Stanton, by the deposit with said treasurer of a pretended check or draft, has obtained certificates for all the unsold swamp land in the county, amounting to about 15,000 acres—that after the pretended lettings, the contracts being all bid off by Stanton each time at 4 cts. per cubic yard, was afterwards confirmed



to him at about 40 cts. per cubic yard—that Stanton has deeded the undivided half of these lands to said Childs—that Childs issued to him ditching certificates for \$10,000 on the 28th of May last, and soon afterwards other ditching certificates to the amount of between \$6,000 and \$7,000, by which the pretended check or draft deposited with the treasurer was taken up, and that very little ditching is yet done.

There are also complaints of frauds committed by Henry Wells and R. A. Eddy, former swamp land commissioners of that county, but your committee have not had time to investigate these matters, but from the testimony we have, would recommend the removal of said Childs.

Your committee have also received complaints from Pulaski county in relation to frauds in the management of the swamp land interests, but have been unable to investigate them. We respectfully refer your honorable body to the documents herewith on file in relation to each of these counties.

Your committee find that the swamp lands of this State, and funds arising therefrom, have been the objects of greedy prey by nearly all who have had opportunity, and that though most of these lands have been squandered, there are still a few thousand acres remaining unsold in the different counties, mostly of what are called the Second Selection—that large numbers of contracts for their drainage, though let at exorbitant prices in most instances, are still unfinished—that all the laws relative to swamp lands, especially those relative to ditching and drainage, are radically defective. Among the defects most apparent your committee would direct attention to is, that the commissioner is not required to give bond for the faithful performance of his duty, and of his accountability to no other officer or tribunal, except in a slight degree to the officers of State, who are distant from, and have but little interest in those matters to prompt them to a strict oversight.

Your committee, therefore, recommend that these laws be revised and changed so as to place the sales, making of deeds, ditching, drainage and enforcement of contracts, &c., under the control of the county officers and boards doing county business in which these lands lie, which officers and boards having an immediate interest for the benefit and improvement of their respective counties, would vigilantly protect, and economically and judiciously expend the funds, and enforce the rigid observance of all contracts for drainage.

JOHN GREEN,  
O. S. HAMILTON,  
*Chairman.*

Mr. Edwards, from the committee on benevolent institutions, made the following report:

**MR. SPEAKER:**

The committee on benevolent institutions, to whom was referred



House bill No. 205, "a bill for the better government of the Institution for the Education of the Blind," direct me to report the same back to the House and recommend that it be laid on the table, as the object contemplated by the bill has already been provided for.

The report was concurred in.

Mr. Cotton, from the committee on the affairs of the town of Indianapolis, made the following report:

MR. SPEAKER:

The committee on the affairs of the town of Indianapolis to whom was referred House bill No. 335, "a bill to authorize the sale of certain lots in the town of Indianapolis," have had the same under consideration and have directed me to report the same back and recommend its passage.

The report was concurred in.

Mr. Miller, from the committee on canals, made the following report:

MR. SPEAKER:

The committee on canals to whom was referred sundry petitions and memorials, one from several hundred citizens of Allen county, one from sundry citizens in convention of Francisco, one from sundry citizens of Huntington county and one from a deputy assessor of Daviess county, have had the same under consideration and have instructed me to report that your committee are laboring under the same difficulty that seems to pervade the minds of the petitioners, i. e., they do not know what to recommend. The canal question has been thoroughly discussed before the people without arriving at any conclusion as to what are the best interests of the inhabitants of the State. The brains of much wiser heads have been racked for a satisfactory solution of this vexed subject. Bills have been introduced both in the House and Senate and objections have been raised to all. The petitions appeal to the "wisdom" of the Legislature. Presuming there is as much wisdom in this as any Assembly the State has been favored with in former years, your committee would respectfully report the petitions back, relying upon that "wisdom" for wholesome legislation.

Mr. Miller, from the same committee, made the following report:

MR. SPEAKER:

The committee on canals to whom was referred the answers of the Trustees of the Wabash and Erie Canal to certain interroga-

tories made by a resolution of this House, have had the same under consideration and have directed me to report it back without recommendation.

Mr. Cavins, from the Joint State Library Committee, made the following report:

MR. SPEAKER:

The joint committee on the State Library have examined the same and the matters connected therewith and have directed me to report to this House that at the expiration of the term of the late incumbent, S. D. Lyons, said library was in a very bad condition, several sets of books were broken and a large number were out of the Library without any account of the same. The said Mr. Lyons never executed any bond as required by law and refuses to render any account to the committee of his acts as Librarian. The present Librarian, Mr. Bryant, exhibits a commendable zeal in collecting the books of said Library and so arranging the same that they may be easily found and rendered useful to those who desire to examine the same. It is likely that under his careful management a number of the losses occasioned by the negligence of the former Librarian will be replaced.

Mr. Davis, from the committee on rights and privileges, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of this State to whom was referred House bill No. 303, have had the same under consideration and instructed me to report said bill back to the House and recommend the passage of said bill.

On motion,  
The bill was laid on the table.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Edwards, from a select committee, made the following majority report:

MR. SPEAKER:

The select committee to whom was referred the memorial of sundry persons asking for legislation to provide for the appointment of inspectors to examine and license railway engineers, have considered the same and are of opinion that such legislation is inexpedient. The memorialists are mistaken in ascribing disasters on rail-



roads to the recklessness and want of qualification of engineers, and that such engineers are employed by many railroad companies in this State. Engineers have too much regard for their own lives, and the owners of railroads too much interest in their property to permit so grave a charge made in so general terms to be credited.

Mr. Stiles, from a select committee, made the following report :

MR. SPEAKER :

The undersigned a member of the committee to whom was referred a petition of sundry citizens relative to licensing railroad engineers, submits the following minority report :

The minority of the committee believe the petition to be worthy of consideration, and that the prayer of the petitioners should be granted, but that the length of time which will elapse before the close of the session precludes any hope of action upon this subject.

I. N. STILES.

Mr. McLain, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred Senate bill No. 23, "a bill to fix the times of holding the court of common pleas of the counties of Allen and Adams, and to repeal all laws in conflict therewith," have had the same under consideration and direct me to report the same back with the following amendments, and when so amended recommend its passage :

*First*, Strike out of the title the words "Allen and."

*Second*, Strike out the first and second sections of the bill and insert the following :

Sec. 1. That hereafter the courts of common pleas of Adams county shall commence on the third Monday in February and first Mondays of May, August and November of each year and shall set two weeks at each term if the business require it.

The report was concurred in, the amendments adopted and ordered to be engrossed and the bill passed to a third reading.

#### ORDERS OF THE DAY.

#### *Senate Bills on Third Reading.*

Senate bill No. 226. A bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, Philological institutions and Missionary Boards," approved May 13, 1852.

Was read a third time, and

The question being, shall the bill pass ?



*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—93.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate Bill No. 183. A bill in relation to the partition of real estate.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Dobbins, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Wayne, Harrison, Hartley, Jones, Kempf, Lewis, Mansfield, Miller, Murray, Newton, Parks, Power, Ritter, Scott, Sherman, Shull, Smith of Miami, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Cavins, Davis, Dougherty, Devol, Firestone, Hunter, Jefferis, Johnston, Jordan, Keefer, Kelly, Major, Mellett, Merrifield, Nebeker of Vermillion, Nelson, Prosser, Shields, Shockley, Stanley and Wood—21.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill No. 131. A bill to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved January 18th, 1852, so as to authorize a change of venue in certain cases.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kempf, Lawhead, Lewis, McLain, Major, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Wood—  
78.

*Those who voted in the negative were,*

Messrs. Edwards, Prosser and Mr. Speaker—3.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Message from the Senate by Mr. Vawter, their Secretary:

MR SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the following resolution, to-wit:

*Resolved,* That in the judgment of the Senate this General Assembly has the power under the constitution to pass and present bills to the Governor for his signature until 12 o'clock Saturday night next.

*Resolved, further,* That a committee of two on the part of the Senate be appointed to confer with a similar committee on the part of the House in relation to this matter; and that Messrs.

Slack and March are appointed as a committee on the part of the Senate.

In which the concurrence of the House is respectfully requested.

Mr. Davis moved to reciprocate the action of the Senate by the appointment of a committee on the part of the House ;

Which was agreed to.

Messrs. Davis and Turpie were appointed said committee.

Mr. Clements moved to reconsider the vote by which Senate bill No. 207 was lost ;

Which was agreed to.

Senate bill No. 207 was then taken up, and

On motion by Mr. Clements,  
The bill was laid on the table.

Mr. Turpie moved that Senate bill No. 138 be taken up ;  
Which was agreed to.

Senate bill No. 138. A bill to fix the amount of the salary of State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant Librarian and Clerk.

Was taken up and read a second time.

Mr. Turpie moved to suspend the rule and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Boyd, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Eas. ham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Power, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—84.



So the rule was suspended and Senate bill No. 138 read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clements, Colgrove, Collier, Comstock, Cotton, Davis, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—84.

*Those who voted in the negative were,*

Messrs. Hunter and Parks—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Leave being obtained,

Mr. Colgrove made the following report from the committee on the judiciary.

**MR. SPEAKER:**

The judiciary committee, to whom was referred joint resolution No. 26, "A joint resolution to give the city of Indianapolis the possession of block No. 25, in said city, for a park, until the State shall require it for the purposes of the original dedication," have had the same under consideration, and instructed me to report the same back with the following amendment, and when so amended they recommend its passage.

Amend by striking out all after the word "shall" in the fifteenth line, and insert at that point the word "direct."

The report was concurred in and the amendments adopted.

Mr. Murray moved the previous question.

The question being, shall the main question be now put?  
It was so ordered.

The main question being the passage of the joint resolution,

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Cotton, Dougherty, Durham, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Jefferis, Johnston, Jordan, Kempf, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Newton, Parks, Power, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Shuli, Smith of Miami, Smith of Perry, Stanley, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Claypool, Clements, Edwards, Hall of Grant, Harney, Harrison, Hunter, Jones, Keefer, Lewis, McLain, Major, Nebeker of Vermillion, Nelson, Row, Stiles, Summers, Usrey and Wood—21.

So the joint resolution passed.

Mr. Davis moved to amend the title by striking out all after the word "shall," and adding at that point the words "otherwise direct."

Which was unanimously agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

Mr. Smith of Miami, from a select committee, obtained leave and made the following report:

**MR. SPEAKER:**

The select committee to whom was referred Senate bill No. 251, an act supplemental to an act fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length thereof in each county thereof, approved January, 1859, have had the same under consideration, and directed me to report the same back to the House, and recommend the following amendments, viz: add in the eighteenth line of the second section after the word "fall" the following words, to-wit: "to continue three weeks if the bu-

siness thereof shall require it," and when so amended recommend its passage:

The report was concurred in, and the amendments ordered to be engrossed.

Senate bill No. 77. A bill to amend the eighteenth section of an act entitled "An act concerning real property and the alienation thereof."

Was taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Clayton, Colgrove, Collier, Comstock, Dobbins, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Jefferis, Jones, Jordan, Kelly, Lawhead, Lewis, McLain, Major, Mansfield, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Wheeler, Whetzel, White-man and Wood—58.

*Those who voted in the negative were,*

Messrs. Cavins, Dougherty, Durham, Edwards, Hartley, Keefer, Merrifield, Martin, Ritter, Row, Shockley, Stiles, Thompson of Madison, Waterman and Wood—15.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Senate bill No. 246. A bill authorizing the Treasurer of State to pay out moneys to aid the Indiana Historical Society, and to provide checks and restrictions in the payment of the same

Was read a third time, and

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Branham, Brotherton, Cavins, Clark, Claypool, Clements, Comstock, Cotton, Davisson, Davis, Dobbins, Early, Eastham, Edwards, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Jefferis, Jordan, Kelly, Kempf, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Martin,



Nebeker of Vermillion, Nelson, Power, Robinson, Ritter, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Waterman, Wheeler, Whetzel, Whiteman and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Bowman, Carr, Collier, Dougherty, Durham, Firestone, Hunter, Jones, Keefer, Murray, Parks, Prosser, Row, Usrey and Wood—15.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill No. 224. A bill authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Clayton, Clements, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Sullivan, Summers, Tebbs, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—74.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill No. 156. A bill authorizing the purchasers of railroads, plank roads, turnpike roads, and McAdamized roads, or parts thereof, under mortgage sale or sales made according to the terms of deeds of trust, to organize as incorporated companies and prescribing their powers and duties.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Eastham, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Lewis, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Blythe and Gregory—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Governor, by Mr. Osborne, executive messenger.

**MR. SPEAKER:**

I am directed by the Governor to inform the House that he has approved and signed the following bills:

House bill No. 105. An act to compel owners of town lots to grade and pave or plank side-walks and fixing the penalty thereto.

House bill No. 169. An act for the relief of the heirs at law of John Coran, deceased, and to vest in them certain real estate which has escheated to the State.

Senate bill No. 17. An act to provide for the partition of real estate, and for laying the same off into lots, out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect.

Senate bill No. 264. An act supplemental to an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11th, 1852, and making the order of the board of commissioners under section nine of said act, final in certain cases.

House bill No. 93. An act to amend the sixth section, and the third clause of the seventh section, and the twelfth, fourteenth, nineteenth and twentieth sections of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, and to provide for opening up decrees of divorce in certain cases," approved May 13th, 1852.

House bill No. 340. An act prescribing the time of holding the circuit court in the county of Sullivan, and to repeal all laws in conflict with this act.

House bill No. 82. An act to regulate the practice in certain cases appealed to the supreme court.

House bill No. 91. An act to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas of certain causes therein named.

House bill No. 122. An act to authorize the holders of unauthorized paper currency to sue for and recover from persons, company, corporation or association, who have issued the same, as for money had and received, without making previous holders parties to the suits, and making such currency evidence of the indebtedness.

A message from the Senate by Mr. Vawter, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has concurred in the engrossed amendments of the House to the following engrossed bills of the Senate :

Senate bill No. 63. A bill to amend the 5th and 8th sections of an act entitled "an act to provide for the equalizing the appraisement of the real property of the State of Indiana," approved May 28, 1852, constituting county auditors distinct boards of equalization, providing where they shall meet, providing for equalizing appraisements between counties and congressional districts, providing for a State Board of Equalization, and constituting the Auditor of State president of State Board of Equalization.

Senate bill No. 30. A bill to provide for the transferring of the certificates of stock of the State of Indiana, providing for the registry of the same, and to prevent a fraudulent issue thereof.

Senate bill No. 142. A bill to amend the 6th, 8th, 9th and 14th sections of an act entitled "an act to provide for the appraisement



of real estate, and prescribing the duties of officers in relation thereto," approved December 21, 1858, also, defining the duties of appraisers and deputy appraisers and the Auditor of State.

Leave being granted,

Mr. Davis made the following report from a committee on free conference :

MR. SPEAKER :

The committee appointed to confer with a similar one on the part of the Senate, in relation to the time when bills may be presented to the Governor for his signature, respectfully report that they have met and conferred with the Senate committee upon the matter committed to them, and have been unable to agree with the Senate committee—the committee of the House being of the opinion that 12 o'clock to-night will be the last hour that a bill can be presented to the Governor for signature this session.

D. TURPIE,  
JOHN S. DAVIS.

Mr. Murray moved the previous question;  
Which was seconded.

The question being shall the main question be now put?  
It was so ordered.

The question being on concurring in the report,  
Messrs. Branham and Edwards demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Comstock, Cotton, Davissen, Davis, Dobbins, Durham, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mellett, Merrifield, Murray, Martin, Nelson, Newton, Power, Ritter, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whiteman and Wood—66.

*Those who voted in the negative were,*

Messrs. Branham, Collier, Dougherty, Devol, Edwards, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harney, Jefferris, Mansfield, Massey, Parks, Robinson, Smith of Perry and Wildman—16.

So the report was concurred in.  
H. J.—67.

Leave being granted,  
 Mr. Clements moved to take up the message from the Senate containing House bill No. 344;  
 Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed House bill No. 344, with sundry engrossed amendments of the Senate thereto.

A bill to fix the time of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process, from the present common pleas courts returnable to such terms and declaring when this act shall take effect, and repealing all laws inconsistent therewith.

In which the concurrence of the House is respectfully requested.

On motion,  
 The engrossed amendments of the Senate to House bill No. 344, were concurred in.

Mr. Prosser moved to suspend the order of business and put House bill No. 35 on its passage again;  
 Which was agreed to.

No. 35. A bill to regulate the sale of spirituous liquors;

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Dobbins, Dougherty, Early, Edwards, Firestone, Griffin, Hall of Rush, Harrison, Hartley, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, McLain, Major, Mansfield, Massey, Merrifield, Murray, Nelson, Newton, Parks, Prosser, Robinson, Row, Sherman, Shields, Smith of Perry, Snyder, Stanley, Stanfield, Summers, Tebbs, Thompson of Elkhart, Usrey, Wheeler, Wildman and Wood—53.

*Those who voted in the negative were,*

Messrs. Austin, Brotherton, Cotton, Davis, Devol, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hunter, Jefferis, Jordan, Lewis, Miller, Martin, Power, Ritter, Rynerson, Shockley, Stiles, Turpie, Waterman, Whiteman and Mr. Speaker—27.

So the bill passed.

Mr. Mansfield moved to amend the title as follows, to-wit.

An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violations thereof.

Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Parks, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined and compared with the original copy thereof, engrossed bill of the House No. 234, and find the same correctly engrossed.

Message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House enrolled Senate bill No. 17, for the signature of the Speaker thereof.

A message from the Senate, by Mr. Vawter, their Secretary.

I am directed to bring to the House Senate enrolled bill No. 264, for the signature of the Speaker thereof.

On motion by Mr. Murray,  
The House adjourned until 1½ o'clock, P. M.

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1½ o'clock, P. M.

The House met.

Leave being granted,  
Mr. Hunter moved to take up House bill No. 345;  
Which was agreed to.

No 345. A bill fixing the time of holding courts of common



pleas in the counties of Morgan, Monroe and Brown, and repealing all acts inconsistent therewith;

Was taken up and read a second time.

The bill was then ordered to be engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 257. A bill for the relief of the lessees from the State of the water power and other privileges on the northern division of the Central Canal, authorizing suits upon the bonds of Francis H. Conwell and others, for their benefit, and to subject the property conveyed to said Conwell by the State to the payment of the damages sustained by said lessees, their heirs, executors, administrators and assigns, by the breach of the conditions of said bond.

In which the concurrence of the House is respectfully requested.

Senate bill No. 257, contained in the foregoing message, was read a first time.

Mr. Blythe moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Bowman, Boyd, Branham, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hancock, Hunter, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Massey, Mellett, Merrifield, Murray, Martin, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Scott, Sherman, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whiteman, Wildman, Wood and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Clements, Early, Hamilton of Boone, Hartley and Keef-  
er—5.

So the motion prevailed.

Mr. Blythe moved to suspend the rule and read the bill a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Edwards, Firestone, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Murray, Martin, Newton, Parks, Parrett, Prosser, Ritter, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Wildman, Wood and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Cavins and Early—2.

So the rule was suspended and Senate bill No. 257 was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Boyd, Boxley, Branham, Cavins, Clark, Colgrove, Collier, Comstock, Davis, Dobbins, Devol, Firestone, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Johnston, Kelly, Kempf, McLain, Mansfield, Massey, Merrifield, Murray, Martin, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Scott, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Bowman, Brotherton, Dougherty, Durham, Early, Edwards, Gifford, Hartley, Jefferis, Jordan, Keefer, Lawhead, Lewis, Major, Miller, Nelson, Rynerson, Shields, Treadway, Usrey and Wood—21.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The committee on enrolled bills have examined House bills Nos. 295, 169, 93, 82, 91, 340, 105, 122, 104, 339, 328 and 72, and find them correctly enrolled.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to bring to the House, for the signature of the Speaker of the same, enrolled acts of the Senate, to-wit: Nos. 77, 142 and 224.

Leave being granted,  
Mr. Stanfield moved to take up Senate bill No. 208;  
Which was agreed to.

Senate bill No. 208. A bill to amend the first section of an act entitled "An act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained.

Was taken up and read a third time.

Mr. Snyder moved to recommit the bill with the following instructions:

To provide that no new county shall be formed without the consent of a majority of the qualified voters of the county or counties out of which the same is to be formed.

Which was agreed to.

Message from the Senate, by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, without amendment, to-wit:

No. 21. A bill providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same.



A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to bring to the House Senate bill No. 246 for the signature of the Speaker thereof.

Mr. Stanfield moved to suspend the order of business, and take up Senate bill No. 187 ;

Which was agreed to.

Mr. Dobbins moved a call of the House ;

Which was ordered.

The Clerk proceeded with the call when the following members answered to their names :

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellet, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—89.

On motion by Mr. Hamilton of Boone,  
The further call was dispensed with.

Senate bill No. 187. A bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein, and to amend the fifteenth section of an act entitled "An act to establish a bank with branches," passed the Senate and House on the 3d day of March, A. D. 1855, the Governor's objections to the contrary notwithstanding.

Was read a third time.

Mr. Stanfield moved the previous question.

Which was seconded.

The question being, shall the main question be now put ?  
It was so ordered.

Mr. Hamilton of Boone moved to clear the lobbies.

Messrs. Dougherty and Keefer demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Clements, Dougherty, Early, Firestone, Keefer, Row and Shields—7.

*Those who voted in the negative were,*

Messrs. Black, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Durham, Devol, Eastham, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—75.

So the motion did not prevail.

The question being, shall Senate bill No. 187 pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Boyd, Boxley, Branham, Claypool, Colgrove, Collier, Comstock, Davis, Durham, Eastham, Edwards, Fordyce, Griffin, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Johnston, Jones, Kempf, Lawhead, Lewis, McLain, Mansfield, Murray, Newton, Parks, Robinson, Rynerson, Scott, Sherman, Shull, Smith of Miami, Smith of Perry, Stanfield, Tebbs, Thompson of Elkhart, Treadway, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Austin, Bowman, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Dobbins, Dougherty, Devol, Early, Firestone, Gifford, Hall of Grant, Hamilton of Boone, Hunter, Jordan, Keefer, Kelly, Major, Massey, Mellett, Martin, Nelson, Parrett, Ritter, Row, Shields, Shockley, Snyder, Sullivan, Summers, Thompson of Madison, Waterman and Wood—36.

So the bill failed for want of a constitutional majority.

Leave being granted,  
Mr. Mansfield moved to take up House bill No. 234.  
Which was agreed to.

No. 234. A bill to provide for taking appeals from the decisions of officers having charge of common schools or school funds in relation to said schools or funds, to the proper county auditor, and to provide for the repeal of all laws coming in conflict with this act.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were*

Messrs. Austin, Black, Blythe, Boyd, Boxley, Branham, Brother-ton, Carr, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Bobbins, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Row and Usrey—2.

So the bill passed.

Mr. Mansfield moved to amend the title as follows, to-wit:

An act to amend the 4th, 29th, 107th and 143d sections of an act entitled "an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and to establish township libraries and for the regulation thereof, and repealing all laws and part of laws coming in conflict with this act.

Which was agreed to.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.



Leave being granted,

Mr. Stanfield moved to take up Senate bill No. 212.

Which was agreed to.

Senate bill No. 212. A bill granting permission to the Trustees of the Wabash and Erie Canal to rent or lease the same, and matters properly connected therewith.

Was taken up and read a third time, and

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Branham, Brotherton, Cavins, Claypool, Clements, Comstock, Cotton, Davisson, Davis, Edwards, Firestone, Fordyce, Griffin, Hancock, Johnston, Kelly, Kempf, Knowlton, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Miller, Martin, Newton, Power, Prosser, Row, Scott, Sherman, Shull, Smith of Miami, Smith of Perry, Stanfield, Stiles, Wheeler, Whetzel, Whiteman and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Austin, Black, Bowman, Boyd, Boxley, Carr, Clark, Colgrove, Collier, Dobbins, Dougherty, Durham, Devol, Early, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Jefferis, Jones, Jordan, Keefer, Lewis, Murray, Nelson, Parks, Ritter, Robinson, Rynerson, Shields, Shockley, Stanley, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Wildman and Wood—44.

So the bill was lost.

Mr. Blythe moved to suspend the order of business and take up House bill No. 281.

Which was agreed to.

No. 281. A bill providing for the incorporation of canal companies.

Was taken up and read a third time, and

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Black, Blythe, Branham, Brotherton, Cavins, Claypool, Clements, Colgrove, Comstock, Cotton, Davisson, Davis, Dobbins, Edwards, Firestone, Gifford, Hall of Rush, Hancock, Hunter, Johnston, Kelly, Kempf, Knowlton, Lawhead, Lewis, Mc-

Lain, Mansfield, Massey, Mellett, Merrifield, Miller, Martin, Nelson, Newton, Parks, Parrett, Prosser, Power, Ritter, Robinson, Scott, Sherman, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Boxley, Clark, Clayton, Dougherty, Durham, Early, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Jones, Jordan, Keefer, Murray, Rynerson, Shields, Shockley, Stanley, Summers, Tebbs, Thompson of Elkhart, Treadway and Wood—25.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Governor by Mr. Osborne, executive messenger.

**MR. SPEAKER:**

I am directed by the Governor to inform the House that he has approved and signed the following bills :

Senate bill No. 77. An act to amend the 18th section of an act entitled "an act concerning real property and the alienation thereof."

Senate bill No. 224. An act authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads.

Senate bill No. 142. An act to amend the 6th, 8th, 9th and 14th sections of an act entitled "an act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto," approved December 21, 1858, also defining the duties of appraisers and deputy appraisers, and the Auditor of State.

Senate bill No. 246. An act providing for the appropriation of a sum not exceeding five hundred dollars, from the State Treasury, to aid the Indiana Historical Society.

House bill No. 328. An act to amend the 143d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

House bill No. 104. An act to amend sections 1, 7 and 12 of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852, and supplemental thereto.

House bill No. 72. An act to amend sections 1 and 2 of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, approved March 1, 1853, and to provide for the manner of the service of process.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House Senate enrolled bill No. 183, for the signature of the Speaker thereof.

Leave being granted,  
Mr. Treadway moved to take up House bill No. 322;  
Which was agreed to.

No. 322. A bill authorizing the State Board of Agriculture to make a geological reconnoissance of the State, to make collections and analysis of specimens, and making appropriations therefor.

Was taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Branham, Claypool, Clements, Comstock, Cotton, Davisson, Davis, Dobbins, Firestone, Edwards, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Jefferis, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Massey, Martin, Newton, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanley, Tebbs, Treadway, Whetzel, Whiteman and Mr. Speaker—51.

*Those who voted in the negative were*

Messrs. Bowman, Boyd, Clark, Clayton, Collier, Dougherty, Durham, Eastham, Hartley, Hunter, Johnston, Keefer, McLain, Merrifield, Miller, Murray, Prosser, Shockley, Shull, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Usrey, Waterman, Wildman and Wood—28.

So the bill passed.

*Ordered.* That the Clerk inform the Senate thereof.



Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House enrolled Senate bill No. 178, for the signature of the Speaker thereof.

Mr. Griffin, from a select committee, obtained leave and made the following report :

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 13, a bill to amend the 20th, 28th, 32d, 35th and 51st sections of an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant," approved May 29, 1852, have had the same under consideration and recommend that all be struck out after the enacting clause, and be amended by inserting the accompanying amendment, and after it is so amended recommend its passage :

(The amendments reported by the committee, is, in the main, the same as that reported by Mr. Hamilton of Boone from the committee on swamp lands, on February 28th, and set forth in the journal of that day.)

Mr. Austin moved a call of the House ;  
Which was ordered.

The Clerk proceeded with the call, when the following members answered to their names :

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Farly, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Jefferis, Johnston, Jones, Kelly, Kemp, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Row, Rynerson, Scott, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker  
—77.

Mr. Branham moved to dispense with the further call of the House.

Which was agreed to.

Mr. Merrifield moved to lay the report, bill, and proposed amendment on the table.

Messrs. Merrifield and Snyder demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Baird, Bowman, Dobbins, Dougherty, Gifford, Harrison, Hartley, Kempf, Lewis, Major, Massey, Merrifield, Nelson, Newton, Parrett, Shockley, Snyder, Sullivan, Thompson of Madison, Usrey and Wood—21.

*Those who voted in the negative were,*

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Durham, Devol, Edwards, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hunter, Jefferis, Johnston, Jones, Mansfield, Miller, Murray, Martin, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—47.

So the motion did not prevail.

Mr. Ritter moved the previous question,  
Which was seconded.

The question being shall the main question be now put?  
It was so ordered.

The question being on concurring in the report,  
Messrs. Merrifield and Snyder demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Miller, Murray, Martin, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Black, Gifford, Massey, Newton, Shockley, Waterman and Wood—7.

There being no quorum voting,  
The Clerk proceeded to call the roll a second time.

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe Boyd, Boxley, Branham, Brother-ton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Jefferis, Jones, Mansfield, Miller, Murray, Martin, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Mi ami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Black, Carr, Durham, Firestone, Gifford, Harney, Hart-ley, Kempf, Knowlton, Massey, Newton, Shockley, Waterman and Wood—14.

Messrs. Clayton, Davis, Dobbins, Lewis and Smith of Perry, were in their seats and refused to vote.

The report was concurred in, and the bill ordered to be en-grossed.

Leave being granted,

Mr. Davis moved to take up the following message from the Senate ;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House, that the Sen-ate has passed the following resolution :

*Resolved*, That the Senate will, the House concurring therein, adjourn *sine die* on Monday, March 7th, at five o'clock, P. M., of said day, and that the Senate will, the House concurring, continue to pass bills, if the files are not clear, until Saturday, March 5th, at half-past four o'clock, P. M.

In which the concurrence of the House is respectfully requested.

Mr. Davis moved to refer the resolutions to the committee on the judiciary ;

Which was agreed to.

Leave being granted,

Mr. Harrison moved to take up Senate bill No. 254;

Which was agreed to.



Senate bill No. 254. A bill supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, so as to provide for the levy of the township taxes for the year 1859, at the June term of the county board.

Was then taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kempf, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whiteman, Wildman, Wood and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Kelly, Knowlton and Whetzel—3.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Leave being granted,

Mr. Dougherty moved to take up House bill No. 321;

Which was agreed to.

No. 321. A bill regulating the rates of exchange chargeable in certain cases herein named, and declaring it usury to take or charge exchange contrary to the provisions thereof, by any bank, individual or corporation.

Was taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Carr, Cavins, Clayton, Clements, Colgrove, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of

Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, Major, Massey, Merrifield, Murray, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Baird, Branham, Brotherton, Clark, Eastham, McLain, Mansfield, Scott and Stiles—9.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Leave being granted,

Mr. Hamilton of Wayne moved to take up Senate bill No. 134;  
Which was agreed to.

Senate bill No. 134. A bill providing for the assessment of taxes for township library purposes.

Was taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Boxley, Branham, Colgrove, Davis, Dougherty, Early, Firestone, Fordyce, Hamilton of Wayne, Hancock, Harney, Harrison, Jefferis, Jordan, Kempf, Knowlton, Major, Mansfield, Massey, Mellett, Martin, Newton, Parks, Prosser, Ritter, Robinson, Sherman, Snyder, Stanley, Stanfield, Stiles, Treadway, Whiteman and Mr. Speaker—36.

*Those who voted in the negative, were,*

Messrs. Austin, Bowman, Boyd, Carr, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Dobbins, Durham, Devol, Edwards, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hartley, Hunter, Johnston, Jones, Kelly, Lewis, McLain, Merrifield, Nelson, Parrett, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Sullivan, Summers, Tebbs, Thompson of Madison, Usrey, Waterman, Wheeler, Whetzel, Wildman and Wood—45.

So the bill passed.

H. J.—68.

*Ordered*, That the clerk inform the Senate thereof.

Leave being granted,

Mr. Branham moved to take up Senate bill No. 69 ;

Which was agreed to.

No. 69. A bill to legalize all bonds and other instruments in writing executed by any assignee of a branch of the State Bank of Indiana, and authorize suit to be brought thereon, and to empower the debtors of any branch to secure the same to the sinking fund.

Was taken up and read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davis, Dougherty, Devol, Early, Edwards, Firestone, For-  
dyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hunter, Jefferis, Johnston, Jones, Keefer, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Miller, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Sherman, Shields, Shockley, Smith of Miami, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Waterman, Wheeler, Whetzel, Wildman, Whiteman, Wood and Mr. Speaker—71.

No person voting in the negative.

So the bill passed.

Mr. Branham moved to amend the title as follows, to-wit :

“A bill containing some general provisions respecting the sinking fund, its management and control, and to legalize and give validity to certain bonds therein named, and to authorize the debtors of the branches of the State Bank of Indiana to secure to the sinking fund a portion of their indebtedness ;”

Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Leave being granted,

Mr. Parret moved to take up Senate bill No. 163 ;

Which was agreed to.

Senate bill No. 163. A bill relinquishing to William English of Dearborn county the interest acquired by the State of Indiana



by escheat in and to in-lot No. thirty-three, (33) in Rossville, in said county.

Was taken up and read a third time, and,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boxley, Branham, Brotherton, Carr, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Miller, Martin, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Treadway, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—72.

Mr. Boyd voted in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Senate bill No. 206. A bill to amend section twenty-four of an act entitled "An act concerning real property and the alienation thereof," approved May 6th, 1852.

Was taken up and read a third time, and,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Merrifield, Massey, Miller, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Sherman, Shockley, Smith of Perry, Stanley, Stanfield, Stiles, Sullivan, Tebbs, Treadway, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—71.

No person voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Leave being obtained,

Mr. Stanfield made the following report from the committee on the judiciary :

**MR. SPEAKER:**

The committee on the judiciary to whom was referred the concurrent resolution of the Senate, have had the same under consideration and directed me to report that the Constitution gives the Governor three days for the consideration of bills, within which he must either approve or veto them, and in order to give him that time at a close of a session, it is further provided in the Constitution that no bill shall be presented to him within two days next previous to the final adjournment. Counting the day of adjournment as one, and the two preceding days, three days are then given him at the close of the session, and this conforms to the other provision and makes the two provisions of the constitution harmonious. It is a question of vital importance to the legality of legislation. If it is unconstitutional to pass a bill by reading it three several times in one day without a suspension of the rules by a two-thirds vote, why would it not invalidate an act if it was presented to the Governor within the prohibited time. The reason for the constitutional provision is the same in both cases. There is no power given in the Constitution to the Legislature to shorten the time allowed the Governor to consider its action. It being a question of so much importance to the validity of all legislation within the disputed time, the committee recommend that the House adhere to its former resolution upon the subject and refuse to concur in said concurrent resolution aforesaid.

The report was not concurred in.

The question being on concurring in the resolution of the Senate;

Mr. Robinson moved to strike out four and a half o'clock, P. M. Which was agreed to.

The resolution as amended was then concurred in.

Leave being granted,

Mr. Edwards moved to take up Senate message containing House bill No. 158.

Which was not agreed to.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House:

House bill No. 158. An act to provide for the management and disposal of the estates of persons who have absented themselves themselves from their usual place of residence and gone to parts unknown.

With the following engrossed amendment thereto:

Amend by inserting the words "for the space of two years" after the word "unknown" in the seventh line of section one.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Edwards,  
The amendments of the Senate were concurred in.

On motion by Mr. Shields,  
The House adjourned till 7 o'clock, P. M.

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7 O'CLOCK, P. M.

The House met.

#### SENATE BILLS ON THIRD READING.

Senate bill No. 263. A bill fixing the time of holding the court of common pleas in the county of Wabash and the length of the terms thereof.

Was taken up and read a third time.

Mr. Comstock moved to amend the bill as follows:

Insert in the proper place "until the first day of October, 1860, at which time this act shall cease to have any effect."

Which was unanimously consented to.

The question being shall Senate bill No. 263 pass?

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boyd, Branham, Brotherton,



Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davis, Dougherty, Durham, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jones, Jordan, Kempf, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Martin, Nelson, Prosser, Ritter, Robinson, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summeis, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—67.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill No. 251. An act supplemental to an act entitled "an act fixing the times of holding courts in the Eleventh Judicial Circuit, and prescribing the length thereof in each county thereof," approved January, 1859.

Was taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davis, Dougherty, Durham, Devol, Eastham, Edwards, Firestone, Fordyce, Gregory, Griffin, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Prosser, Ritter, Robinson, Sherman, Shields, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—67.

No one voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill No. 106. A bill to provide for the relief of purchasers of real estate at sheriffs' sales under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the Revised Statutes of 1852 took effect, and where such sureties, being the owners of such real es-

tate, had sold and conveyed the same after becoming such recognizers, but before judgment of forfeiture thereof had been taken.

Was taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davis, Dougherty, Durham, Devol, Eastham, Edwards, Fordyce, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Mellett, Martin, Nelson, Newton, Prosser, Ritter, Robinson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—76.

No one voting in the negative.

So the bill passed.

*Ordered.* That the clerk inform the Senate thereof.

Senate bill No. 153. A bill to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject.

Was taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Dougherty, Durham, Devol, Eastham, Firestone, Fordyce, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jeffers, Johnston, Jones, Jordan, Keef-er, Kelly, Kempf, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Nelson, Newton, Power, Prosser, Ritter, Robinson, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—69.

No person voted in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Hamilton of Boone moved to reconsider the vote refusing to concur in the report of the committee on the judiciary, and concurring in the resolution of the Senate, in regard to the time up to which the Legislature may continue to present bills to the Governor for his approval.

Messrs. Prosser and Davis demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Boyd, Carr, Cavins, Clayton, Clements, Comstock, Davisson, Davis, Dobbins, Durham, Eastham, Firestone, Hancock, Hartley, Hunter, Jones, Jordan, Keefer, Kempf, Lawhead, Lewis, McLain, Massey, Mellott, Merrifield, Murray, Nelson, Newton, Parrett, Power, Prosser, Shields, Shockley, Shull, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Wheeler and Wildman—49.

*Those who voted in the negative were,*

Messrs. Baird, Bowman, Branham, Brotherton, Collier, Cotton, Dougherty, Devol, Early, Edwards, Fordyce, Gregory, Griffin, Hall of Rush, Hamilton of Wayne, Hamilton of Boone, Harney, Jefferis, Johnston, Kelly, Major, Mansfield, Miller, Martin, Ritter, Robinson, Sherman, Smith of Miami, Treadway, Waterman, Whetzel, Whiteman, Wood and Mr. Speaker—34.

So the motion prevailed.

The question being on concurring in the report of the committee.

Messrs. Hamilton of Boone and Stanley demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Black, Blythe, Boyd, Carr, Cavins, Clark, Clayton, Clements, Colgrove, Comstock, Davis, Durham, Firestone, Fordyce, Gifford, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kempf, Kelly, Lawhead, Lewis, McLain, Mellett, Merrifield, Murray, Nelson, Newton, Power, Prosser, Row, Rynerson, Shields, Shockley, Shull, Snyder, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Wheeler and Wildman—51.

*Those who voted in the negative were,*

Messrs. Baird, Bowman, Boxley, Branham, Brotherton, Collier,



Cotton, Davisson, Dougherty, Devol, Early, Edwards, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Jefferis, Major, Mansfield, Massey, Miller, Martin, Ritter, Robinson, Scott, Sherman, Smith of Miami, Stiles, Treadway, Waterman, Whiteman, Wood and Mr. Speaker—37.

So the motion prevailed.

Mr. Stanfield moved that the Senate be requested to return the message of the House containing the concurrent resolution of the Senate ;

Which was agreed to.

Mr. Keefer moved to take up the message from the Senate containing Senate bill No. 262 ;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the Senate :

Senate bill No. 262. A bill to provide for the printing and binding of two thousand copies of the laws passed at the special session of the General Assembly in the year 1858, and at the regular session thereof in the year 1859, in the German language, and for the distribution and sale of the same.

In which the concurrence of the House is respectfully requested.

Senate bill No. 262, contained in the foregoing message,  
Was read a first time.

Mr. Keefer moved to suspend the rule, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Baird, Blythe, Bowman, Boxley, Carr, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hancock, Hartley, Hunter, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Nelson, Newton, Parrett, Power, Row, Rynerson, Sherman, Shockley, Shull, Smith of Mi-

ami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wildman and Wood—64.

*Those who voted in the negative were,*

Messrs. Branham, Cavins, Clark, Gregory, Hamilton of Boone, Jefferis, Whetzel and Whiteman—8.

So the rule was suspended, and Senate bill No. 262 was read a second time by its title.

Mr. Keefer moved to suspend the rule, and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Claypool, Clayton, Clements, Colgrove, Comstock, Cotton, Davis, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hancock, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Merrifield, Miller, Nelson, Newton, Parrett, Power, Prosser, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wildman, Wood and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Cavins, Gifford, Gregory and Hamilton of Boone—4.

So the rule was suspended.

Senate bill No. 262 was then read a third time, and The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bowman, Boyd, Boxley, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Cotton, Davis, Dougherty, Durham, Edwards, Fordyce, Firestone, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Martin, Nelson, Newton, Prosser, Ritter, Row, Rynerson, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley,

Stanfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wildman, Wood and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Cavins, Jefferis, Mellett and Treadway—4.

So the bill passed,

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Vawter their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House, without amendment :

House bill No. 35. An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof.

Also,

House bill No. 281. A bill providing for the incorporation of canal companies.

Mr. Devol obtained leave and made the following report :

MR. SPEAKER :

The select committee to whom was referred engrossed bill of the Senate No. 208, with engrossed amendments of the House, have had the same under consideration, and have directed me to report the same back with the amendments in accordance with the instructions, and to recommend its passage.

The report was concurred in.

Senate bill No. 208 was then read a third time, and  
The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Branham, Carr, Clark, Claypool, Clayton, Cotton, Davis, Dougherty, Durham, Devol, Firestone, For-dyce, Gifford, Gregory, Hancock, Hartley, Hunter, Jones, Jordan,



Keefer, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Newton, Parrett, Power, Row, Ryerson, Shockley, Shull, Smith of Miami, Smith of Perry, Stanfield, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Wildman and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Boyd, Boxley, Brotherton, Cavins, Collier, Early, Eastham, Hall of Grant, Miller, Nelson, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Snyder, Stanley, Stiles, Sullivan, Tebbs, Waterman, Whiteman and Wood—24.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Leave being granted,  
Mr. Hunter moved to take up House bill No. 345;  
Which was agreed to.

House bill No. 345 was then taken up and ordered to be engrossed.

Senate bill No. 201. A bill to require surviving partners to file inventories and appraisements in the office of the clerk of the court of common pleas and to report the liabilities of the firm.

Was taken up, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Edwards, Firestone, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parrett, Prosser, Ritter, Row, Scott, Sherman, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Keefer and Shields—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Senate bill No. 146. A bill to provide for the publication of all acts and joint resolutions of the General Assembly which contain an emergency clause in one weekly newspaper of the several counties of the State in which one is published, and the time that said act shall take effect.

Was taken up and read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Branham, Claypool, Clayton, Colgrove, Early, Fordyce, Gifford, Gregory, Hamilton of Boone, Hancock, Jefferis, Jones, Mansfield, Miller, Murray, Newton, Parks, Parrett, Ritter, Robinson, Row, Rynerson, Scott, Shields, Smith of Miami, Smith of Perry, Snyder, Stanley, Treadway, Whiteman, Wildman and Mr. Speaker—33.

*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Collier, Davisson, Davis, Dougherty, Durham, Edwards, Firestone, Hall of Grant, Hamilton of Wayne, Hartley, Hunter, Jordan, Kelly, Kempf, Lewis, McLain, Major, Mellett, Merrifield, Nelson, Prosser, Shockley, Shull, Stanfield, Stites, Sullivan, Summers, Tebbs, Thompson of Madison, Waterman, Wheeler, Whetzel and Wood—40.

So the bill was lost.

Leave being granted,  
Mr. Brotherton moved to take up message from the Senate containing House bill No. 178;  
Which was agreed to.

Message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House, viz:

House bill No. 178. A bill fixing the time of holding courts of common pleas, and the length of terms thereof, in the county of Blackford, and repealing all laws in conflict therewith.

With sundry engrossed amendments of the Senate thereto.

Also,

House bill No. 94. A bill supplemental to an act entitled "An act to exempt property from sale in certain cases," approved February 17th, 1852; with the following amendments:

In which the concurrence of the House is respectfully requested.

The foregoing engrossed amendments of the Senate to House bills Nos. 178 and 94 were,

On motion,

Concurred in.

Mr. Jefferis moved to take up message of the Senate containing House bill No. 147.

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, with sundry amendments thereto:

No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock and the nominal value of the shares, and to issue certificates therefor.

On motion,

The engrossed amendments of the Senate to House bill No. 147, contained in the foregoing message, was concurred in.

Senate bill No. 79. A bill to extend the time of payment to purchasers of saline and school lands.

Was taken up and read a third time, and

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Cotton, Davisson, Dougherty, Devol, Firestone, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Miller, Murray, Martin, Nelson, Parks, Parrett, Power, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Wood—66.



*Those who voted in the negative were,*

Messrs. Edwards, Gregory, Jefferis, Johnston, Mansfield, Robinson, Treadway and Mr. Speaker—8.

So the bill passed,

*Ordered*, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House enrolled Senate bills Nos. 138, 63, 206, 30, 104, 131, 174 and 257, for the signature of the Speaker thereof.

Leave being granted,

Mr. Smith of Perry, moved to take up the message from the Senate containing House bill No. 338;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, with sundry engrossed amendments of the Senate thereto:

House bill No. 338. A bill making general appropriations for the year 1859 and 1860, and the first quarter of the year 1861.

In which the concurrence of the House is respectfully requested.

On motion,

The engrossed amendments of the Senate to House bill No. 338, contained in the foregoing message, were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Cavins moved to re-consider the vote concurring in the report of the committee on the judiciary and refusing to concur in the resolution of the Senate in regard to the time up to which the Legislature may continue to present bills to the Governor for his approval.

Mr. Prosser moved to lay the motion to re-consider on the table. Which was not agreed to.

The question recurring on the motion to reconsider.

Messrs. Stanfield and Turpie demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Bowman, Boxley, Branham, Brotherton, Cavins, Claypool, Collier, Comstock Cotton, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hunter, Jefferis, Johnston, Major, Mansfield, Martin, Miller, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Stiles, Tebbs, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wood and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Blythe, Carr, Clark, Clayton, Clements, Davis, Firestone, Gifford, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Massey, Mellett, Merrifield, Murray, Nelson, Newton, Prosser, Row, Shields, Shull, Snyder, Stanley, Stanfield, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Wheeler and Wildman—38.

So the motion to reconsider prevailed.

Mr. Branham moved to lay the report on the table.

Messrs. Merrifield and Turpie demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Bowman, Boxley, Branham, Brotherton, Cavins, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hunter, Jefferis, Johnston, Major, Mansfield, Miller, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Stiles, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wood and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Blythe, Carr, Clark, Clements, Firestone, Gifford, Hancock, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Massey, Mellett, Merrifield, Murray, Nelson, Newton, Prosser, Shields, Shull, Snyder, Stanley, Stanfield, Sullivan, Summers,

Tebbs, Thompson of Madison, Turpie, Usrey, Wheeler and Wildman—35.

So the report was laid on the table.

Mr. Edwards moved that the Clerk inform the Senate that the House withdrew the request for the return of the message of the House containing the resolution of the Senate in regard to terminating the session,

Which was agreed to.

Mr. Waterman moved to take up House bill No. 277.

Which was agreed to.

No. 277. A bill to amend section eight of "an act to regulate fees of officers and repealing former acts in relation thereto," approved March 2. 1855.

Was taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Colgrove, Collier, Davis, Dougherty, Devol, Early, Fordyce, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Hunter, Johnston, Keefer, Lewis, Massey, Murray, Martin, Nelson, Parks, Ritter, Robinson, Row, Shockley, Smith of Perry, Stanfield, Thompson of Elkhart, Waterman, Wheizel and Whiteman—40.

*Those who voted in the negative were*

Messrs. Boyd, Clements, Comstock, Davisson, Edwards, Firestone, Hamilton of Wayne, Hartley, Jefferis, Jones, Kelly, Kempf, McLain, Mansfield, Mellett, Merrifield, Miller, Parrett, Scott, Sherman, Shields, Shull, Smith of Miami, Snyder, Stanley, Stiles, Sullivan, Thompson of Madison, Treadway, Usrey, Wheeler, Wildman, Wood and Mr. Speaker—34.

So the bill was lost.

House bill No. 129. A bill touching pleas in abatements and dilatory defences in civil actions.

Was then taken up and read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blythe, Bowman, Boxley, Branham, Brotherton, Cavins, H. J.—69.



Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Durham, Devol, Early, Edwards, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hunter, Jefferis, Johnston, Kelly, Kempf, Lewis, Major, Mansfield, Massey, Mellett, Miller, Martin, Nelson, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Snyder, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Dougherty, Harney, Jones, Keefer, Merrifield, Newton, Parrett, Prosser, Shields, Shull and Stanley—11.

-So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Senate bill No. 103. A bill to prohibit the collection of tolls on gravel, turnpike, McAdamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent herewith.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were*

Messrs. Blythe, Boyd, Boxley, Branham, Brotherton, Clark, Claypool, Clayton, Colgrove, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Kelly, Kempf, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Smith of Miami, Stiles, Tebbs, Thompson of Elkhart, Treadway, Usrey, Wheeler, Whetzel and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Cavins, Jones, Jordan, Shull, Snyder, Sullivan and Wood—7.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Brotherton, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bills of the House Nos. 344, 178, 188 and 147 with the engrossed copies thereof and find the same correctly enrolled.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 129. An act declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor.

Mr. Griffin, from the committee on engrossed bills, made the following report:

MR. SPEAKER :

The committee on engrossed bills have examined House engrossed amendments to Senate bill No. 13 and find them correctly engrossed.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER :

The committee on enrolled bills have examined enrolled bill of the House No. 94, and find the same correctly enrolled.

Mr. Stanfield moved to take up the message from the Senate containing House bill No. 341.

Which was agreed to.

Message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed engrossed bill of the House

No. 341. A bill making specific appropriations for the year A. D. 1859.

With sundry amendments thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bill No. 341, contained in the foregoing message, were concurred in except sections 3, 5, 6, 7, 10, 11, 12, 50, 69, 70, 97, 98, 99, 100, 100½, 101, 102, 108, 122 and 131.

Mr. Branham offered the following additional sections to the bill :

Sec. —. That Klotz & Plaffin be allowed ninety cents for candles and candlesticks furnished at this session.

Sec. —. That O. B. Stout & Bros. be allowed one dollar for brooms furnished to the House of Representatives at this session.

Sec. —. That Charles Mayer be allowed fifty-five cents for candles and candlesticks furnished the House this session.

Sec. —. That the Indiana Sentinel Co. be allowed the sum of twenty-five dollars for binding two hundred copies of the Legislative Sentinel for the special session.

Which were agreed to.

Mr. Branham offered the following additional section :

Sec. —. That George H. Chapman be allowed five dollars for services rendered by order of the House in having bound the Legislative Sentinel of the extra session.

Which was agreed to.

Mr. Branham offered the following additional section :

Sec. 144. That H. A. Fletcher be allowed the sum \$1,564 05, for carpets and sundries furnished the State House.

Mr. Edwards offered the following additional section :

Sec. —. That a certified copy of this act be sent immediately to the Auditor of State.

Which was adopted and the amendments ordered to be engrossed.

Mr. Stiles moved to reconsider the vote concurring in the eighth section of Senate amendments, appropriating "ten thousand dollars" to the State Prison at Jeffersonville.

Messrs. Miller and Murray demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Blythe, Boxley, Clark, Claypool, Comstock, Cotton, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hartley, Hunter, Johnston, Miller, Murray, Martin, Parks, Ritter, Robinson, Stiles, Thompson of Elkhart, Treadway and Wildman  
—22.

*Those who voted in the negative were,*

Messrs. Boyd, Branham, Brotherton, Cavins, Clayton, Clements,



Collier, Dougherty, Early, Edwards, Firestone, Fordyce, Gregory, Hamilton of Boone, Hancock, Harrison, Jefferis, Jones, Jordan, Kempf, Lawhead, McLain, Mansfield, Massey, Merrifield, Nelson, Newton, Power, Prosser, Scott, Sherman, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker—43.

So the motion to reconsider did not prevail.

Mr. Hamilton of Boone moved to reconsider the vote concurring in the 83d section of the engrossed amendments of the Senate, making an allowance to Mr. Snyder as clerk to the committee on swamp lands;

Which was agreed to.

The House then refused to concur in said section.

*Ordered*, That the clerk inform the Senate of the action of the House.

Message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House Senate enrolled bills Nos. 262 and 201, for the signature of the Speaker thereof.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House, without amendment, to-wit:

House bill No. 203. A bill to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State." approved June 21, 1852. Also,

House bill No. 201. A bill to amend the 78th section of "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," so as to correct an error in said section defining the boundaries, and defining the jurisdiction of the county of Sullivan. Also,

House bill No. 104. An act prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons in their respective townships, and prescribing the duties of county auditors and of the Auditor of State relative thereto. Also,

House bill No. 188. A bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 30, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act. Also,

House bill No. 226. An act to amend section eight of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852. Also,

House bill No. 218. A bill to fix the time for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and to repeal all other laws or parts of laws inconsistent with this act. Also,

House bill No. 208. A bill to provide for the case of removal from office, death, resignation or inability, both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor. Also,

House bill No. 206. A bill to amend the 36th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor." Also,

House bill No. 253. A bill to provide for the transferring real estate for taxation on the books of county auditors, and preserving the chains of title thereof in the recorder's office in certain cases therein provided for.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed the following engrossed House bills without amendment:

House bill No. 152. A bill to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for admissibility in evidence of the same or copies thereof."

No 165. A bill to amend the eighteenth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

House bill No. 324. A bill to declare the stream of Laughery Creek a navigable one, from its confluence with the Ohio river to the town of Hartford, in Ohio county.

House bill No. 89. An act to amend the third section of an act to incorporate the town of Peru, approved February 14th, 1848.

No. 117. A bill to amend section fifteen, and to repeal section twenty-seven to thirty-eight inclusive of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852, so as to give boards of county commissioners jurisdiction as to the change, laying out and vacating of highways, in their respective counties, saving and transferring all business now pending before township trustees, under said sections so repealed, to the boards of county commissioners, and providing for the disposition thereof.

On motion by Mr. Merrifield,  
The House adjourned till to-morrow morning 9 o'clock.

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SATURDAY MORNING, 9 o'clock, }  
March 5, 1859. }

The House met.

On motion by Mr. Mellett,  
The reading of the journal was dispensed with.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House Senate enrolled bills Nos. 79 and 254, for the signature of the Speaker thereof.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to bring to the House Senate enrolled bill No. 129 for the signature of the Speaker thereof.



A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House, without amendment:

No. 245. A bill to authorize deeds and mortgages heretofore acknowledged before county auditors, to be recorded, and authorizing the same and also the record thereof, to be read in evidence, making such record notice to third persons and making such conveyances valid.

House bill No. 293. An act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act.

Leave being granted,

Mr. Mellett moved to take up Senate bill No. 277;

Which was agreed to.

Senate bill No. 277. A bill to fix the terms of the Hancock circuit court after the next term thereof, and to authorize the court at each term thereof to continue in session two weeks if the business requires it.

Was read a second time and passed to a third reading.

Mr. Robinson moved to take up Senate bill No. 275 on its second reading;

Which was agreed to.

Senate bill No. 275. A bill supplemental to an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 184. A bill to amend the eighth section of "an act in relation to county treasurers," approved June 4, 1852.

Was taken up and read a third time.

Mr. Gordon moved to pass over the bill informally.

Mr. Snyder and fifteen other members submitted the following protest:

WHEREAS, On the — day of February, 1859, Senate bill No. 13 was, on motion, referred to the swamp land committee of the House, which committee did on the 23d day of February, 1859,

report the same back with an amendment of great length, and containing provisions obnoxious to the majority of the members of the House;

AND WHEREAS, Said report, as amended, was, on motion, laid upon the table, by a vote of — to —, on the 28th day of February, 1859, when a motion was made to reconsider the vote laying said bill and amendments on the table, and thereupon a motion was made to table the motion to reconsider, which resulted in a vote of — for to — against;

AND WHEREAS, A motion was made to take from the table said bill and amendments on the — day of February, which motion was, by the presiding officer, decided out of order as being unparliamentary, which decision the undersigned believe to have been correct;

AND WHEREAS, Afterwards, on the 3d day of March, 1859, the motion to take from the table was entertained by the Speaker, and said bill and amendments were taken up and referred to a special committee, a *majority* of whom reported the present bill and amendments on that subject back to the House, without at any time calling together the said committee, when under the operation of the previous question, and without an opportunity being given for a minority report, or even for an examination of said bill, or a discussion of its merits, said bill, as amended, was put upon its engrossment;

Against which proceedings and action the undersigned would earnestly but respectfully protest, as being in violation of all parliamentary rules and proceedings.

The undersigned would further protest against said action, as tending to place them in a false position, as they, together with certain Opposition members of the Legislature had agreed upon a bill for the protection of said fund, which they understood the committee were willing to report, which reads as follows (the last section of which report was added by Opposition members):

SEC. 1. It shall be the duty of each swamp land commissioner now in office, or hereafter to be appointed thereto, to give bond payable to the State of Indiana, in the penal sum of ten thousand dollars, for the faithful discharge of the duties of his office as is now provided by law, and that he will, in no event, become a party to, or have any interest in any contract to be let, while he acts as such commissioner.

SEC. 2. That hereafter, at any letting of swamp land ditching in any county of this State, it shall be the duty of the swamp land commissioner before letting contracts, to submit all bids on each ditch to be let, to the clerk of the circuit court, the county recorder and county auditor, who, together with the commissioner and engineer, shall constitute a board to let such contracts; and the same



shall be let to the lowest responsible bidder therefor, provided, that in no case shall any ditch be let for "more than its estimated cost."

SEC. 3. It shall be the duty of the swamp land commissioner, before allowing the claim of any contractor for swamp land ditches, and before issuing any certificate therefor, to present the claim to the county board for allowance, and only after the approval of said county board, shall any claim on said fund for such work be allowed, or a certificate thereof be issued by such swamp land commissioner—which allowance shall be endorsed on said certificate so to be issued, by the county auditor by the direction of said board—and all claims for allowance by said commissioner and engineer, on said fund, shall likewise be submitted to and approved by said board, and endorsed on the same as is provided in this act, before the same shall be audited against said fund by said Auditor of State.

SEC. 4. The Auditor of State shall in no case issue his warrant on the swamp land fund for any money for such work, until the claim or claims therefor have been passed upon and endorsed, as heretofore provided; and when any doubt exists as to the correctness of any claim on said fund, the said Auditor shall refer the same back for further examination to said county board, who shall inquire into the justice of the same, and allow or reject the same as herein provided; and certificates heretofore issued by any swamp land commissioner, shall be examined by the board of county commissioners, and when they are satisfied that the work has been done, or labor performed for which they were issued, they shall be endorsed by the county auditor by the direction of the county board, when only the same shall be allowed by the Auditor of State and a warrant issued thereon.

SEC. 5. The swamp land certificate to be issued under this act for work done, shall specify correctly the number of the ditch on which the work for which it was issued was performed.

SEC. 6. All laws and parts of laws contravening the provisions of this act, are hereby repealed.

SEC. —. The four thousand eight hundred and thirty-nine 21.100 acres of land, patented to the State of Indiana by the United States, under date of November 6, 1857, as indemnity for lands which had been located by warrants and scrip, but were, subsequent to such location, proven to be swamp lands within the meaning of the act of Congress, approved Sept. 20, 1850, are hereby authorized to be sold by the county auditors and treasurers of the several counties in which the same are selected, under the same rules and regulations as in this act are prescribed for the sale of swamp lands, after having first procured maps and plats of the same, and given due notice, and offered the same for sale at public auction, as in this act required in sales of swamp land.

NOAH C. DURHAM,  
JONATHAN KELLY,  
THOS. J. MERRIFIELD,  
B. LAWHEAD,

LEWIS PROSSER,  
A. KIEFER,  
D. SNYDER,  
T. M. SULLIVAN,



THOMAS CLAYTON,  
WM. MAJOR,  
SAML. SHOCKLEY,  
WM. F. PARRETT,

J. B. FIRESTONE.  
O. R. DOUGHERTY,  
D. TURPIE,  
R. A. CLEMENTS, JR.

Mr. Firestone, from the committee on banks, obtained leave and made the following report:

MR. SPEAKER:

The committee on banks, to whom was referred the reports of the Bank of the State of Indiana and the various branches thereof, have directed me to report the same back to the House, and ask to be discharged from further consideration thereof.

Message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House Joint Resolution No. 14, with an engrossed amendment thereto.

In which the concurrence of the House is respectfully requested.

On motion,

The Senate amendment was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Mellett moved to suspend the rule and read Senate bill No. 277 a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Austin, Baird, Bowman, Boyd, Boxley, Branham, Brotherton, Claypool, Clayton, Clements, Colgrove, Collier, Cotton, Davisson, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Major, Mansfield, Mellett, Merrifield, Miller, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wood and Mr. Speaker—70.

Messrs. Blythe, Davis and Turpie were in their seats, and refused to vote.

So the rule was suspended, and  
Senate bill No. 277, was read a third time, and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Brotherton, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Johnston, Jones, Keefer, Kelly, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Miller, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Rynerson, Shields, Shockley, Smith of Perry, Snyder, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Whetzel, Whiteman, Woodand Mr. Speaker—65.

No one voting in the negative,  
So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Sherman obtained leave and introduced

Joint Resolution No. 27. A joint resolution in regard to the claim of John P. Dunn and Jeremiah D. Skeen, against the State of Indiana, and authorizing the appointment of three commissioners to investigate said claim, and to allow the same if they should find it just, and providing for the payment of the amount if the commissioners may find due to said Dunn and Skeen.

Which was read, and,

On motion of Mr. Hamilton of Boone,  
The resolution was laid on the table.

On motion by Mr. Branham,  
The following message from the Senate was taken up:

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate insists upon its engrossed amendments to House bill No. 341.

On motion by Mr. Branham,  
The House refused to recede from its disagreement to sundry engrossed amendments of the Senate to House bill No. 341.

Messrs. Branham and Parrett were appointed a committee of free conference on the part of the House.

Mr. Dougherty by consent, offered the following resolution :

*Resolved*, That the Assistant Clerk of this House, make out for publication, as soon as practicable, a list of all acts and joint resolutions which have passed the House at this session, noting therein such acts and joint resolutions as have an emergency clause attached, and send to each member one copy of the paper containing the same.

Which was agreed to.

Senate bill No. 271. An act to amend the third section of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto ;

Was taken up and read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Brotherton, Claypool, Clayton, Golgrove, Collier, Comstock, Cotton, Davisson, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Jefferis, Jones, Keefer, Knowlton, Lawhead, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stiles, Thompson of Elkhart, Treadway, Turpie, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Jordan and Sullivan—2.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House Senate enrolled bills Nos. 106 and 153 for the signature of the Speaker thereof.



Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House :

House bill No. 262. A bill to repeal an act to prevent railroad companies from changing their depots except on conditions herein named, approved March 4, 1855.

Also,

House bill No. 223. An act to provide for the return of the jury in the common pleas court at the third day of the term.

Also,

House bill No. 193. A bill relative to the salaries of public officers and providing the manner of paying the same and the manner of reimbursing the State for an increase of salaries.

Also,

House bill No. 322. A bill authorizing the State Board of Agriculture to cause a geological reconnoissance of the State to be made, to make collections and analysis of specimens, and making appropriations therefor.

Also,

House bill No. 258. A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or an adjoining State and connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed," approved February 23, 1853.

Also,

House bill No. 167. A bill to provide for the fees of sheriffs in conveying convicts to the State Prison, and providing punishment for violations hereof, and to repeal all laws in conflict herewith.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House without amendment:

House bill No. 298. An act to provide for laying out and re-

pairing highways upon the line between Indiana and adjoining States.

Also,

House bill No. 141. A bill to authorize the formation of limited partnerships and fixing the liabilities of the several partners, and prescribing the proceedings against them.

Also,

House bill No. 306. An act for the relief of John M. Shirey.

A message from the Senate, by Mr. Vawter, their Secretary.

I am directed by the Senate to inform the House that the Senate adheres to their engrossed amendments to House bill No. 341, "a bill making specific appropriations for the year 1859," and have appointed Messrs. Hamilton and Steele a committee of free conference to act with a similar committee on the part of the House.

Mr. Early moved to take from the table Senate bill No. 45.  
Which was agreed to.

Senate bill No. 45. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State, and matters properly connected therewith, and to repeal all laws in conflict with this act.

Was taken up and read a third time.

Mr. Harney moved to lay the bill on the table.  
Which was not agreed to.

The question being shall Senate bill No. 45 pass?

*Those who voted in the affirmative were,*

Messrs. Boxley, Brotherton, Claypool, Colgrove, Dougherty, Devol, Early, Firestone, Griffin, Hamilton of Boone, Major, Massey, Newton, Parks, Row, Shields, Snyder, Stanley, Stanfield, Stiles, Sullivan and Thompson of Elkhart—22.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Branham, Clayton, Collier, Comstock, Clements, Cotton, Edwards, Fordyce, Gregory, Hall of Rush, Hamilton of Wayne, Harney, Jordan, Knowlton, Lawhead, Lewis, McLain, Mansfield, Mellett, Parrett, Prosser, Ritter, Pobinson, Rynerson, Sherman, Shockley, Smith of Perry, Treadway, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—36.

Messrs. Blythe, Davisson, Hall of Grant, Jordan, Jefferis, Lawhead, Miller and Smith of Miami were in their seats and refused to vote.

So the bill failed.

Mr. Clements offered the following resolution:

*Resolved*, That the Governor be requested to return to this House House bill No. 147.

Messrs. Branham and Gregory demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Clements, Dougherty, Devol, Fordyce, Hamilton of Boone, Hancock, Jordan, Keefer, Knowlton, Lawhead, Major, Massey, Merrifield, Newton, Prosser, Sherman, Snyder, Sullivan, Tebbs, Thompson of Elkhart, Waterman, Wheeler, Wildman and Wood—24.

*Those who voted in the negative were,*

Messrs. Austin, Boxley, Branham, Brotherton, Claypool, Colgrove, Comstock, Cotton, Davisson, Early, Griffin, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harney, Jones, McLain, Mansfield, Mellett, Miller, Parks, Robinson, Shockley, Smith of Miami, Smith of Perry, Stiles, Treadway, Whetzel, Whiteman and Mr. Speaker—31.

The following members were in their seats but declined to vote:

Messrs. Blythe, Boyd, Clayton, Collier, Edwards, Firestone, Jefferis, Nelson, Parrett, Power, Ritter, Rynerson, Scott, and Turpie—14.

So the resolution was not adopted.

Mr. Mellett moved to take up Senate message containing House bill No. 175;

Which was agreed to.

A message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the engrossed bill of the House

No. 175. A bill to amend section eleven of an act entitled "An



act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases; with the sundry engrossed amendments of the Senate thereto.

On motion,

The engrossed amendments of the Senate to House bill No. 175 were concurred in.

Message from the Senate by Mr. Vawter their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House, without amendment:

House bill No. 279. An act to empower plank road companies to sell and convey their real and personal estate.

Also,

House bill No. 1. A bill to provide for taking the sense of the qualified voters of the State on calling a convention to alter, amend or revise the constitution of the State.

Also,

House bill No. 222. An act to amend section 42 of an act entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and the disposal of the business thereof.

Also,

No. 325. A bill to fix the time of holding the Cass court of common pleas;

Also,

No. 254. A bill making the register of sales of Michigan road lands and certified copies of entries therein evidence, and declaring the effect thereof, and making the records of patents and certificates of purchase and other evidence in writing of the sale of real estate, and certified copies of such record, evidence, and declaring the effect thereof.

Also,

House bill No. 337. A bill providing for the allowance of com-

pensation to clerks of the circuit court and common pleas courts, and sheriffs for extra services, and to repeal all laws inconsistent therewith.

Also,

House bill No. 234. An act to amend the fourth, twenty-seventh, one hundred and seventh and one hundred and forty-third sections of an act entitled "an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and to establish township libraries and for the regulation thereof, and repealing all laws and part of laws coming in conflict with this act.

Also,

House bill No. 304. An act to amend the first section of an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852.

Also,

House joint resolution No. 24. A joint resolution in relation to the settlement, adjustment and collection of dues to the State from various officers and persons indebted thereto.

Also,

House bill No. 228. An act to provide for the collection of the surplus revenue fund, belonging to the counties of Dekalb, Lake and Wells, on loan at the State treasury, and for the payment of said fund over to the treasurers of said counties.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, with an engrossed amendment of the Senate thereto:

House bill No. 3. A bill to amend section three hundred and two of an "an act to revise, simplify and abridge the rules of practice and pleadings in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize co-plaintiffs and co-defendants to testify in certain cases, also to allow defendants to testify in certain actions brought by assignees where the assignor testifies.

In which the concurrence of the House is respectfully requested.

On motion,  
The engrossed amendment of the Senate to House bill No. 3 was concurred in.

Message from the Senate, by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House enrolled Senate bills Nos. 263 and 103, for the signature of the Speaker thereof.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined House enrolled bills Nos. 165, 206, 253, 281, 204, 224, 35, 293, 117, 200, 218, 324 and 208, and find them correctly enrolled.

Mr. Parrett, from the committee on free conference on House bill No. 341, made the following report:

MR. SPEAKER:

The committee of conference, to whom was referred House bill No. 341, together with the engrossed amendments of the Senate thereto, have had the same under consideration and instructed me to report the same back to the House, recommending that the House concur in the following engrossed amendments:

SEC. 3. That the House concur in section 11 with the following amendment: "That J. B. Firestone and Caleb W. Edwards be allowed thirty-five dollars each, for fees in contested election case."

The House concur in Senate amendments to sec. 50, sec. 83 and sec. 102. The Senate receding from the remaining engrossed amendments of the Senate in which the House refused to concur. And the committee recommend the adoption of the following additional amendments:

Sec. —. That Klotz & Plafflin be allowed thirty cents for candles and candlesticks furnished at this session.

Sec. —. That George H. Chapman be allowed five dollars for services rendered by order of the House, in having bound the Legislative Sentinel of the extra session.

Sec. —. That H. A. Fletcher be allowed the sum of \$1,564 05, for carpets and sundries furnished for the State House. And also,

Sec. —. That George H. Chapman be allowed twenty dollars



for making out a list of acts passed by the House at the present session, in obedience to a resolution of House; and that James H. Vawter and James N. Tyner be allowed ten dollars each, for a like service in the Senate.

Sec. —. That O. B. Stout & Bros., be allowed on dollar for brooms furnished the House of Representatives at this session.

Sec. —. That Charles Mayer be allowed fifty-five cents for candles and candlesticks furnished the House this session.

Sec. —. That the Indiana Sentinel Company be allowed twenty-five dollars for binding two hundred copies of the Legislative Sentinel for the special session.

Sec. —. That Minor Meeker be allowed fifteen dollars as mileage and per diem, as witness before the bank fraud committee of the Senate.

Sec. —. That T. J. Hosford be allowed three dollars per day, for the days served by him as clerk of the committee on roads, the time to be certified by the chairman of that committee.

Sec. —. That R. J. Ryan be allowed twenty-five dollars for extra clerk hire.

On motion,  
The report was concurred in.

A message from the Senate by Mr. Vawter, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has concurred in the report of the committee on free conference on House bill No. 341, a bill making specific appropriations for the year 1859.

On motion,  
The House adjourned till 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

A message from the Governor, by Mr. Osborne, executive messenger.

MR. SPEAKER :

I have the honor to lay before the House the accompanying joint resolutions of other States, transmitted to me by order of their several Legislatures. Respectfully,

ASHBEL P. WILLARD.

A message from the Senate by Mr. Vawter their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House, enrolled Senate bill No. 277, for the signature of the Speaker thereof.

Mr. Parrett obtained leave and made the following report from the committee on the judiciary :

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No. 192, respecting the abolition of the office of State Printer, have had the same under consideration, and a majority have directed me to report the same back, with the recommendation below stated.

A majority of said committee doubt very much the policy of the abolition of said office, even if the question were an open one; but the action of the House has already precluded the necessity of further legislation on this subject.

*Firstly.* The House, as part of the late joint convention, elected an officer as State Printer under the law now existing.

*Secondly.* The House has passed a bill regulating the prices and business of such office; all this action has been void and nugatory under the proposition of the bill to abolish an office, the necessity and propriety of which has been thus repeatedly recognized by the General Assembly during the present session.

Your committee therefore recommend the indefinite postponement of the bill in question.

On motion,  
The report and bill were laid on the table.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has concurred in the engrossed amendment of the House to the title of Senate bill No. 69.

A message from the Governor by Mr. Osborne, executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bills:

House bill No. 152. An act to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for the admissibility in evidence of the same, or copies thereof.

House bill No. 94. An act supplemental to an act entitled "an act to exempt property from sale in certain cases," approved Feb. 17, 1852.

Senate bill No. 30. An act to provide for the transferring of the certificates of the stock of the State of Indiana, providing for a registry of the same, and to prevent a fraudulent issue thereof, and providing a punishment for violation of the provisions of this act.

Senate bill No. 254. A bill supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, so as to provide for the levy of the township taxes for the year 1859, at the June term of the county board.

House bill No. 178. An act fixing the time of holding the courts of common pleas and the length of the terms thereof in the counties of Delaware and Blackford for the years of 1859 and 1860, and repealing all laws in conflict therewith.

Senate bill No. 183. An act in relation to the partition of real estate, and supplementary to "an act concerning the partition of lands," approved May 20, 1852.

Senate bill No. 129. An act declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor.

House bill No. 253. An act to provide for transferring real estate for taxation on the books of county auditors, and preserving the chain of title thereof in the recorder's office, in certain cases therein provided for.

House bill No. 218. An act to fix the time for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and to repeal all other laws or parts of laws inconsistent with this act.



House bill No. 165. An act to amend the 18th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

House bill No. 206. A bill to amend the 36th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor."

Senate bill No. 277. An act to fix the terms of the Hancock circuit court after the next term thereof, and to authorize the court at each term thereof to continue in session two weeks if the business requires it.

House bill No. 226. An act to amend section eight of an act entitled "an act to authorize and limit allowances by courts and boards and drafts upon county treasurers," approved May 27, 1852.

Senate bill No. 178. An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto.

House bill No. 158. An act to provide for the management and disposal of the estates of persons who have absented themselves from their usual place of residence and gone to parts unknown.

House bill No. 208. An act to provide for the case of removal from office, death, resignation or inability, both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor.

House bill No. 281. An act providing for the incorporation of canal companies.

House bill No. 338. An act making general appropriations for the year 1859 and 1860, and the first quarter of the year 1861.

House bill No. 324. An act to declare the stream of Laughery creek a navigable one from its confluence with the Ohio river to the town of Hartford in Ohio county.

House bill No. 344. An act to fix the times of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect and repealing all laws inconsistent therewith.

House bill No. 204. An act prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons in their respective townships, and prescribing the duties of county auditors and of the Auditor of State relative thereto.

House bill No. 147. An act to amend section two of an act to incorporate the Ohio & Mississippi Railroad Company so as to authorize its board of directors to reduce the amount of its capital stock and the nominal value of the shares, and to issue certificates therefor.

House bill No. 1. An act to provide for taking the sense of the qualified voters of this State in calling a convention to alter, amend or revise the constitution of this State.

Senate bill No. 104. An act to amend the first section of an act entitled "an act in relation to plank, McAdamized, tram and gravel road companies," approved March 1, 1855, and supplemental thereto, so as to enable corporations or companies to take possession of unfinished portions of said road and complete the same where the original corporation has failed to complete it, to prevent any company or corporation, when about to abandon said road, from removing any material used in its construction, providing for enjoining the removal of the same, and to provide for the making of such abandoned road.

Senate bill No. 131. An act to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, so as to authorize a change of venue in certain cases.

Senate bill No. 79. An act to extend the time of payment to purchasers of saline and school lands.

Senate bill No. 174. An act fixing the time of holding the court of common pleas in the county of Hendricks and the length of the terms thereof, and repealing all laws in conflict therewith.

Senate bill No. 262. An act to provide for the printing and binding of two thousand copies of the laws passed at the special session of the General Assembly in the year 1858, and at the regular session thereof in the year 1859, in the German language, and for the distribution and sale of the same.

Senate bill No. 201. An act to require surviving partners to file inventories and appraisements in the office of the clerk of the court of common pleas and to report the liabilities of the firm.

Senate bill No. 63. An act to amend the fifth and eighth sections of an act entitled "An act to provide for equalizing the ap-

praisement for taxation of the real property of the State of Indiana," approved May 28th, 1852, constituting county auditors distinct boards of equalization, providing where they shall meet, providing for equalizing appraisements between counties and congressional districts, providing for a State Board of Equalization, and constituting the Auditor of State President of the State Board of Equalization.

Senate bill No. 206. An act supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and Missionary Boards," approved February 28, 1855.

Senate bill No. 138. An act to fix the amount of the salary of State Librarian and repealing all former laws connected therewith, and to dispense with an assisstant librarian and clerk.

A message from the Governor, by Mr. Osbourne, Executive Messenger.

*Gentlemen of the House of Representatives:*

I return to you House bill No. 70, entitled "An act to make certain appropriations for the purpose of digging and constructing what is known as the grand calumet canal or ditch in Lake county, Indiana, and defining the duty of the swamp land commissioner of Lake county in relation thereto," with the following objections:

If the canal contemplated should be dug, it would divert the waters of the Calumet river from their natural channel to Lake Michigan, whereby the Illinois and Michigan canal could not be supplied with water upon its summit level, the effect of which would be to destroy that important work in the State of Illinois. It would be regarded as an act of bad faith for the State of Indiana to injure that important work in Illinois, after she has so long acquiesced in its being maintained and supported.

ASHBEL P. WILLARD.

Mr. Gordon obtained leave and offered the following resolution:

*Resolved*, That a committee of three be appointed, who shall be at liberty to investigate the defects of the present system of penal law in this State, and the reasons of its almost uniform failure to secure the reformation of convicts; and further to investigate the best means of conforming the system to that requirement of the Constitution which declares that "the penal code shall be founded on principles of reformation, and not of vindictive justice." And that they may report fully to the General Assembly the result of



such investigations at the next regular session thereof. And further that such committee shall not receive any compensation whatever for such labor from the State treasury.

The resolution was agreed to.

The Speaker, Mr. Edwards in the chair, appointed Messrs. Gordon, Smith of Perry and Robinson, said committee.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, without amendment:

House bill No. 256. A bill to amend the seventy-first section of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1852.

Mr. Claypool obtained leave and offered the following resolution:

*Resolved*, That the thanks of this House are due and are hereby tendered to the Hon. J. W. Gordon, for the able and impartial manner in which he has discharged the duties of Speaker during the present session of the Legislature.

Which was agreed to.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House Senate enrolled bill No. 208, for the signature of the Speaker.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House enrolled acts No. 271 and 251 for the signature of the Speaker thereof.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER :

The committee on enrolled bills have examined enrolled joint resolution of the House No. 29, and on comparison of the same with the engrossed copy thereof, find it correctly enrolled.

Mr. Branham, by leave. made following report from the committee on ways and means :

MR. SPEAKER :

The committee of ways and means, to whom has been referred the claim of Morrison and Ray, for one thousand dollars, for services as attorneys in the suit of Jameson's heirs *vs.* the trustees of the Institution for the Education of the Blind, have considered the same, and direct the following report to be made :

It is the duty of that committee to report a specific appropriation bill for accounts and claims arising from the sessions of the General Assembly, but not for claims totally unconnected with such sessions. It has been customary, however, to refer other claims, not specially provided for by law, to the committee on claims for their examination, and if upon their report the claim is allowed by the House, to refer it to the committee on ways and means, with an order that it be placed in the specific appropriation bill.

Without discussing the question whether the trustees of the Institute for the Education of the Blind had any power to employ counsel, especially when the State has provided for the defense of suits in which it has an interest, by the creation of the office of Attorney General, the committee report, that in their opinion, without the prior action of the House on the claim, they have no right to consider it. They, therefore, return it to the House, and ask to be discharged from its further consideration.

The report was concurred in, and the claim specified therein laid on the table.

Mr. Brotherton, from the committee on enrolled bills, made the following report :

MR. SPEAKER .

The committee on enrolled bills have examined and compared enrolled bills of the House Nos. 225, 223, 279, 267, 188, 203, 193, 188, 304, 253, 152, 206, 165, 89, 306, 258, 298, 322, 234, 254, 256, 228, 245, 222, 234, 341, and also joint resolution No. 1.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House enrolled Senate bill No. 69 for the signature of the Speaker thereof.

On motion by Mr. Parks,  
The House adjourned until 7 o'clock, P. M.

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7 o'clock, P. M.

The House met.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed to bring to the House enrolled act No. 156 of the Senate, for the signature of the Speaker of the House.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following joint resolution of the House, without amendment :

No. 1. A joint resolution instructing our Representatives in Congress to use their influence to secure the passage of a law giving pensions to the soldiers of the war of 1812.

Mr. Colgrove obtained leave and offered the following resolution :

*Resolved*, That the Secretary of State procure and send to each member of the House, and to the officers and reporters thereof, one copy of Legislative reports, at the same price per copy as those furnished members during the session. Also, one copy of the acts of the extra and the regular session; one copy of the



journals of each session ; one copy of the documentary journals—all to be bound in sheep.

Mr. Harney obtained leave and offered the following resolution:

*Resolved*, That the thanks of this House are hereby tendered to A. E. Drapier and Dr. Rush, the reporters of the Sentinel and Journal, for the impartial manner in which they have discharged their duties as such reporters.

Which was unanimously adopted.

On motion by Mr. Edwards,

*Resolved*, That the thanks of this House are due, and are hereby given to Richard J. Ryan, Principal Clerk, and to his assistants, Joseph Stilwel, C. G. Berry, J. W. B. Howard ; and to Geo. H. Chapman, Assistant Clerk, and to his assistants, Robert O. Dormer, Charles M. Walker and Wm. F. Browning, for the efficient and courteous manner in which they have severally discharged their respective duties.

Message from the Governor by Mr. Osborne, Executive Messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bills :

House bill No. 175. An act to amend section 11 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases.

House bill No. 262. An act to repeal "an act to prevent railroad companies from changing their depots, except on conditions therein named," approved March 4, 1853.

House bill No. 298. An act to provide for laying out and repairing highways upon the line between Indiana and adjoining States.

House bill No. 203. An act to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treas-

urers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

House bill No. 322. An act authorizing the State Board of Agriculture to cause a geological reconnoissance of the State to be made, to make collections, and analysis of specimens, and making appropriations therefor.

House joint resolution No. 24. A joint resolution in relation to the settlement, adjustment, and collection of the dues to the State from the various officers and persons indebted thereto.

House bill No. 304. An act to amend the first section of "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852.

House bill No. 325. An act to fix the time of holding the Cass court of common pleas.

House bill No. 295. An act to provide for the erection of a new prison north of the National Road, election of officers therefor, making appropriations for the regulation of the same.

House bill No. 201. An act to amend the seventh section of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash Rivers," approved January 7, 1852.

House bill No. 141. An act to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them.

House bill No. 117. An act to amend section fifteen, and to repeal sections twenty-seven to thirty-eight inclusive, of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852, so as to give boards of county commissioners jurisdiction as to the change, laying out and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees under said sections so repealed to the boards of county commissioners, and providing for the disposition thereof.

House bill No. 167. An act to provide for the fees of sheriffs in conveying convicts to the State Prison, and providing punishment for violations hereof, and to repeal all laws in conflict herewith.

House bill No. 306. An act for the relief of John M. Shirey.

House bill No. 258. An act to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed," approved February 23, 1853.

House bill No. 193. An act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries.

House bill No. 89. An act to amend the third section of an act to incorporate the town of Peru, approved February 4, 1848.

House bill No. 279. An act to empower plank road companies to sell and convey their real and personal estate.

House bill No. 223. An act to provide for the return of the jury in the common pleas court at the third day of the term.

House bill No. 35. An act to regulate and license the sale of spirituous, vinous malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof.

Senate bill No. 208. An act to amend the first section of an act entitled "An act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained.

Senate bill No. 251. An act supplemental to an act entitled "an act fixing the times of holding courts in the Eleventh Judicial Circuit, and prescribing the length thereof in each county thereof," approved January, 1859.

Senate bill No. 69. An act containing some general provisions respecting the sinking fund, its management and control, and to legalize and give validity to certain bonds therein named, and to authorize the debtors of the branches of the State Bank of Indiana to secure to the sinking fund a portion of their indebtedness.

Senate bill No. 153. An act to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject.



Senate bill No. 263. An act fixing the time of holding the court of common pleas in the county of Wabash and the length of the terms thereof.

Senate bill No. 103. An act to prohibit the collection of tolls on gravel, turnpike and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited, and repealing all laws inconsistent therewith.

Senate bill No. 203. An act to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers.

On motion by Mr. Austin,  
The House adjourned until Monday morning 9 o'clock.

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MONDAY MORNING, 9 o'clock, A. M. }  
March 7, 1859. }

The House met.

On motion by Mr. Parrett,  
The reading of the journal was dispensed with.

Mr. Boyd, by leave, offered the following resolution:

*Resolved*, That a committee of three be appointed on the part of the House to act with a similar committee on the part of the Senate to wait on his Excellency the Governor and inform him that this General Assembly has been in session the length of time fixed by the Constitution and are now about to adjourn *sine die* unless he has some further communication to make, and that the Senate be informed of the adoption of this resolution:

Which was agreed to.

The Speaker appointed Messrs. Boyd, Sherman and Dougherty said committee.

Mr. Branham, from the committee on ways and means, made the following report :

MR. SPEAKER :

The Committee of Ways and Means have examined the Auditor's and Treasurer's offices, their books, accounts, vouchers and reports, and submit the result of that examination.

Their report relates to the following subjects :

1. The present condition of the treasury.
2. The foreign debt of the State.
3. The domestic debt of the State.
4. The estimated receipts and expenditures for 1859 and 1860.
5. The results of their examination into the ordinary and miscellaneous expenditures of the State.
6. The measures prepared by the committee to remedy existing evils.
9. The condition of the books and vouchers in the Auditor's office.
8. The bonds in the Treasurer's office, deposited by the Free Banks.
7. Bank notes, Treasury notes, Bank and Canal scrip examined and destroyed.
10. Errors in the specific appropriation acts.

The annual report of the Auditor of State shows a balance in the treasury at the close of the fiscal year ending October 31, 1858, of \$131,342 28, from which should be deducted \$28,929 54, a balance due the Wabash and Erie Canal, which is merely nominal, leaving the actual balance \$102,412 74.

From year to year large nominal balances have appeared on the books and in the reports of the Auditor of State, arising from the accounts of the Canal being included in the regular receipts and expenditures. At the time of the transfer of the Canal to the bondholders, it was supposed that its revenues would more than pay the interest on the half of the debt of the State, in which event the overplus was to be paid into the State Treasury, and applied to the redemption of outstanding stocks. Hence the Trustees were required to report semi-annually their receipts and expenditures to the Auditor who is required to enter them on his books as if there had been no transfer of the Canal. These nominal balances but serve to complicate the accounts and create erroneous opinions among the people as to the actual balance in the treasury. It would be better, in the annual report at least, to publish the Canal accounts in a separate table. The true balance in the treasury would then be shown.

But the above sum of \$102,412 74 is not the actual balance. In June last a loan was procured by the State officers from the Sinking Fund of \$165,000 to pay the July installment of the interest on the State debt, although there was at that time a large

balance in the treasury—much more than sufficient to pay such interest—but the officers thinking the money in the treasury might be needed to meet the current expenses of the State, and having no authority to borrow money, except for the purpose of paying interest on the State debt, deemed it prudent to borrow sufficient money to pay the interest and keep the money then in the treasury for the payment of current expenses. Instead of regarding this loan as a receipt into the treasury by loan, it was merely regarded as being “in the hands of the Treasurer,” and not to be entered on the books of the treasury, contrary to the express requirement of law, and although the Treasurer is not charged with the amount of this loan he is credited with the payment of the interest. This \$165,000 should have been added to the amount reported which would make the balance in the treasury \$267,412 74.

There is still another sum which should have been added to the amount in the treasury. In their investigations the committee have ascertained that of the Swamp Land Funds owing to this State by the United States for swamp lands sold by the United States after the passage of the act of Congress, donating them to the State, Governor Willard had drawn from the United States Treasury the following sums:

May 18, 1857.....	\$2,620 53
August 4, 1857.....	1,864 88
December 26, 1857.....	3,287 73
July 3, 1858.....	7,195 25
September 28, 1858.....	3,673 95
	<hr/>
Making in all.....	\$18,642 34

Of this sum no report was made to the Auditor's office until after the close of the fiscal year, nor until the 18th of January, 1859, when Gov. Willard is credited with the payment of \$17,642 34, leaving a balance unpaid of \$1,000.

The Treasurer's books show this sum to have been paid as follows, the entry made, however, in 1859:

June 1, 1857....	\$2,620 53
August 15, 1857.....	1,864 88
January 5, 1858.....	3,287 73
July 10, 1858.....	6,195 25
September 25, 1858.....	3,673 95
	<hr/>
	\$17,642 34

The Revised Statutes of 1852, vol. 1, page 499, section 5, says, “When any debtor shall pay any sum of money into the State Treasury, the Treasurer on receiving the same shall make out a receipt for the amount and deliver the same to the Auditor of



State, who shall give the Treasurer a receipt therefor, and said Treasurer shall deliver the Auditor's said receipt to the person paying the money therein specified."

It was evidently intended by this law that whenever any money was paid to the Treasurer, the Auditor should at once know it, for his receipt, and not the Treasurer's, is to be delivered to the person paying the money; but in this case of Governor Willard, from June 1, 1857, until January, 1859, the Auditor has no notice of payments. The Treasurer gives Governor Willard what he calls "an *informal* receipt," these payments are not mentioned in the monthly report of the Treasurer to the Auditor, and no where do they appear in the annual reports of either of these officers.

This sum of \$17,642 34 added to the above balance shows the actual balance in the treasury, at the close of the fiscal year October 31, 1858, to be \$285,055 08.

Of this sum the Treasurer of State on the 17th of January, 1859, reports to the committee as unavailable \$107,151 04, consisting of deposits with suspended banks and bankers and protested bills of exchange on Allen May, M. G. Bright and J. P. Drake, as follows:

1 On Wabash Valley Bank, Cass county.....	\$7,494 04
2 On Metropolitan Bank, Indianapolis.....	9,242 21
3 On A. May, M. G. Bright and J. P. Drake.....	39,963 01
4 On assignees of John Thompson, New York....	20,280 00
5 On Bank of the Capitol, Indianapolis.....	5,620 00
6 On Central Bank.....	3,998 03
7 On Bank of Gosport.....	20,553 75
	<hr/>
	\$107,151 04

A considerable portion of this suspended debt may be recovered, but, deducted from the balance in the treasury, it leaves available, \$177,933 57.

The committee append hereto an account current of the Treasurer, with his explanation of the character of this suspended debt. (See appendix No. 1.)

## FOREIGN DEBT OF THE STATE.

The amount of the foreign debt, funded by the acts of 1846 and 1847 is

Five per cent. stocks .....	\$5,312,500 00
Two and a half per cent. stocks.....	2,045,511 00
	<hr/>
	\$7,358,011 00

The annual interest on the 5 per cents. is.....	\$265,623 00
The annual interest on the 2½ per cents. is... ..	51,137 77
	<hr/>
	\$316,762 77

Besides these the State has redeemed and placed to the credit of the State debt Sinking Fund of—

Five per cents.....	\$150,000 00
Two and a half per cents.....	241,810 00
	<hr/>
	\$391,810 00

The annual interest on this is..... \$13,545 25

These bonds are not canceled but continue to draw interest, which by law is directed to be invested in State stocks.

The outstanding internal improvement bonds not yet surrendered under the acts of 1846 and 1847, amount to \$413,000. Of these about \$210,000 are held by the United States in trust for certain Indian tribes. From 1844 to the present time the General Government has withheld from this State the three per cent. fund, and applied it to the payment of the interest on these bonds. The amount of this fund in 1855 was about \$106,000.

The State has always regarded this action of the United States as a violation of the act of Congress of 1816, because, by it the three per cent. fund is made a *trust* fund, and therefore not subject to be diverted to any other purpose than that named in the act. Various efforts, from time to time, have been made to have this fund paid over to the State, and the United States to accept the conditions of the acts of 1846 and 1847. As this fund is now exhausted and the attention of Congress directed to the matter, it is expected that, at its next session, this long pending controversy will be settled.

#### THE DOMESTIC DEBT OF THE STATE IS AS FOLLOWS :

Due to the Sinking Fund for money borrowed in June, 1858 .....	\$165,000 00
Due to the Swamp Land Fund .....	143,410 57
Due to the Common School Fund.....	186,861 64
Due to the Township Library Fund .....	1,792 00
Due to the various trust funds, about .....	50,000 00
Due to Shelby county for tax illegally collected ...	2,076 63
Due to the State Debt Sinking Fund as reported...	105,715 32
Due to same from Nov. 1, 1853, not reported.....	5,480 43
	<hr/>
Total .....	\$662,336 59

The last item appears in the Auditor's Report of 1854, as then in the treasury belonging to the State Debt Sinking Fund, but seems to have then dropped and no further account taken of it, either in any subsequent report or on the books of the Auditor.

To this amount is to be added the domestic funded debt, which is

On account of Vincennes University bonds .....	\$66,585 00
On account of debt due the Sinking Fund, created by the acts of 1841 and 1842, and funded by the act of 1858 .....	1,188,219 64
	<hr/>
	\$1,254,804 64

This funded debt bears an interest of six per cent., which is annually \$75,288 27.

The interest on the Sinking Fund debt is not payable until 1861, and for 1859 and 1860 the interest to be paid is on the University bonds each year \$3,995 10.

### ESTIMATED RECEIPTS AND EXPENDITURES FOR 1859 AND 1860.

The total amount of taxables for 1859 is estimated at \$450,000,-000.

The tax levied is 20 cents on the \$100, yielding a revenue of .....	\$900,000 00
Fifty cents on 200,000 polls will yield .....	100,000 00
The tax levied for 1856 is 15 cents on the \$100...	675,000 00
Fifty cents on polls .....	100,000 00
	<hr/>
Total taxes for two years ... ..	\$1,775,000 00
Deduct for delinquencies and expenses collecting..	275,000 00
	<hr/>
Net revenue .....	\$1,500,000 00

The total expenditures are as follows:

#### FOR 1859.

Interest on foreign and domestic debt..	\$320,757 87
For ordinary expenses .....	174,900 00
For benevolent institutions .....	75,000 00
	<hr/>
Total for 1859 .....	\$570,657 87

#### FOR 1860.

Interest on foreign and domestic debt..	\$320,757 87
For ordinary expenses .....	78,900 00
For benevolent institutions .....	75,000 00



For bonds due July 1, 1860, and interest,.....	179,850 00
For debt due common school fund...	186,000 00

Total for 1860 .....	<u>\$840,507 87</u>
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Making for both years.....	<u>\$1,411,165 74</u>
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Leaving balance .....	<u>\$88,834 26</u>
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In making the examination of the ordinary and miscellaneous expenditures of the State, a leading object of the committee was to ascertain whether in the execution of the law, their requirements were strictly observed in the receipts and disbursements from the treasury. The importance of more thorough and strict examinations is attested by the heavy losses which have resulted to the State for want of them. Our treasury note redemption furnishes an instance. These notes should have been canceled at the time they were redeemed by auditors and treasurers, either with a canceling hammer, punch or some mark that would clearly have shown that they had been redeemed; but this having been neglected, large amounts of such notes were again put in circulation, by whom cannot now be known, and in consequence thereof, the State has redeemed about forty thousand dollars more than she issued. For the want of such examinations and cancelations the State of Illinois has lost large amounts by finding her canal scrip which had been once redeemed but not canceled. The Breslin and Gibson frauds, in the State of Ohio, furnish convincing evidence of the necessity of thorough and frequent examinations. For years the frauds had been carried on, and for want of frequent and careful examinations their author "had time to cover the traces of his guilt, and abstract the sources of information."

Of the ordinary expenditures of the State, the officers of State have received the following:

By Governor Wright from November 1, 1851, to July 11, 1857, as follows:

On account of salary.....	\$7,885 32	
For services relative to swamp lands...	3,961 93	
Expenses to Washington.....	94 25	
Expenses to Washington and New York	274 50	
For furniture, fuel, &c .....	1,206 75	
For postage.....	294 40	
On account of miscellaneous items.....	542 25	
	<u></u>	\$14,259 40
Expended on the Governor's House from November 1, 1851, to January 9, 1857.....		5,673 66
		<u></u>
Cost of Governor for 5 years, 8 months, 11 days		\$19,933 06

Or about \$3,500 annually, besides interest on the money invested in the Governor's House.

From January 9, 1857, to January 9, 1859, there was paid to Governor Willard—

On account of salary.....	\$3,000 00	
For services relative to swamp lands...	1,970 75	
Expenses to Washington, State prison, and Starke and Jasper counties.....	199 00	
Postage.....	351 50	
Contingent fund.....	500 00	
Miscellaneous items.....	91 25	
	<hr/>	\$6,112 50
Expended on the Governor's House.....		2,770 42
		<hr/>
Cost of Governor for two years.....		\$8,882 92

Or \$4,446 46 annually, besides interest on the investment in the Governor's House.

The Constitution of the State declares that "the Governor shall at stated times, receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected." Yet by the specific appropriation act of 1855, approved March 5, sixteen cents for each swamp land patent was allowed Governor Wright, and under this law he received the second item of his account, \$3,961 92, the item of \$1,206 75 was received under the 45th section of the appropriation act of 1857, approved March 9, and under the 76th section of the same act, Governor Willard received the item of \$1,970 75.

The sums paid to the last three Auditors of State as reported by the committee on public expenditures. are as follows:

TO AUDITOR DUNN—(Term of office 2 years.)

Postage.....	\$250 00	
Expenses, &c.....	25 06	
Salary, fees, &c.....	24,322 79	
	<hr/>	24,597 85

Or \$12,298 92 each year.

TO AUDITOR TALBOTT—(Term of office 2 years.)

Postage.....	\$1,050 00	
Expenses.....	324 35	
Salary, fees, &c.....	16,226 18	
	<hr/>	17,600 53

Or \$8,800 26 each year.

## TO AUDITOR DODD—(Term of office 2 years.)

Postage .....	\$1,021 25	
Expenses .....	430 48	
Salary, fees, &c. ....	11,830 40	
	<hr/>	13,282 13

Or \$6,641 06 each year.

## TO TREASURER NEWLAND—(Term of office 2 years.)

Postage .....	\$26 46	
Expenses, &c. ....	251 41	
Salary, &c. ....	4,960 31	
	<hr/>	5,238 28

Or \$2,619 14 each year.

## TO TREASURER NOFSINGER—(Term of 2 years.)

Postage .....	.....	
Expenses .....	\$1,672 62	
Salary, &c. ....	5,769 83	
	<hr/>	7,442 45

Or \$3,721 22 annually.

## TO TREASURER JONES—(Term of 2 years.)

Postage .....	\$3 73	
Expenses .....	957 50	
Salary, &c. ....	2,023 40	
	<hr/>	2,984 63

Or \$1,492 31 annually.

## TO SECRETARY HAYDEN—(Term of 2 years.)

Postage .....	\$80 06	
Expenses .....	6 35	
Salary, fees, &c. ....	10,768 51	
	<hr/>	10,854 92

Or \$5,427 46 annually.

## TO SECRETARY COLLINS—(Term of 2 years.)

Postage .....	\$352 06	
Salary, fees, &c. ....	6,393 24	
	<hr/>	6,745 30

Or \$3,372 65 annually.



## TO SECRETARY McCLURE—(Term of 2 years.)

Postage .....	\$242 00	
Salary, fees, &c.....	13,303 00	
	<hr/>	13,545 00
Or \$6,772 50 annually.		

The office of Superintendent of Public Instruction has existed up to January 1, 1859, six years, one and three quarter months, and has cost the State during that time \$15,829 57, or about \$2,636 26 annually.

During the last five years the salary of the State Librarian and the labor under his direction to keep the State House yard and buildings has cost \$7,348 83, or \$1,469 76 annually.

The sums thus paid to these officers amounts to....	\$154,345 47
Their regular salaries of this sum about.....	47,400 00

Leaving as perquisites about.....	\$106,945 47
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To this sum may be added the amount annually received from the Auditor of State, from the following sources, and which are not audited :

Under the State debt arrangement.....	\$400 00
Paid him by the State Agent without law.....	200 00
Paid him by Insurance Companies, estimated.....	800 00
For copies, abstracts, &c.....	400 00
	<hr/>
	\$1,800 00

The committee have reported these accounts for the purpose of showing to the General Assembly the operation of that system of official compensation which allows perquisites. It deceives the people who believe that the annual salary is all that an officer receives. It induces legislation to increase this compensation indirectly when the Representatives of the people would not do it directly. It leads to the enactment of laws as we have shown, in violation of the plainest provisions of the Constitution. But these evils, great as they are, are small when compared to the demoralizing practices which are resorted to by officers to increase these perquisites. The most violent interpretation has been given to the law to create such an increase. Many instances of such practices have been brought to the knowledge of the present General Assembly. Hence your committee will here refer to but one more.

It has already been stated that the State bonds redeemed continue to draw interest, and the law of 1852, page 409 directs that "the interest accruing thereon shall be paid semi-annually as on other bonds of the State, and shall be invested in the further pur-

chase of the bonds aforesaid in the same manner as the original fund (the 2 cent tax) is directed to be invested." The auditor is required to state in his annual report "the amount of interest received thereon and how the sum is invested." Yet no auditor has complied with this law, or made any report of the interest so received nor how nor when the same was invested. The committee have obtained a statement from Mr. Dodd, of the amount of this interest which has been paid to him during his term of office, and a portion of that which had been paid to Mr. Talbott, late auditor. This statement accounts for \$28,817 87, of which \$7,325 is in judgment against the late Auditor Talbott and his securities, \$18,245-30 is cash in the hands of Auditor Dodd, and \$3,247 57 in certificates of the Bank of the Capitol.

It thus appears that instead of investing the interest in bonds as required by law it has been received by Auditors Talbott and Dodd, and retained by them; but no account has been kept on the books of the auditor of the interest received or of the bonds purchased, and it is only by reference to the reports of the Agent of State that the committee have been enabled to ascertain the amount and cost of the bonds purchased by the Sinking Fund, and the interest that has accrued and been paid on them.

The following is as full and correct a statement of the fund as the committee could obtain:

The books of the Auditor of State show the receipts and disbursements on account of this fund up to October 31, 1858, as follows:

#### *Receipts.*

For the year 1854.....	\$52,360 53	
For the year 1855.....	53,611 26	
For the year 1856.....	53,560 97	
For the year 1857.....	67,342 88	
For the year 1858.....	54,136 85	
Total.....	<hr/>	\$281,012 39

#### *Disbursements.*

For the year 1854....	\$74,019 15	
For the year 1855.....	62,539 34	
For the year 1856.....	30,522 26	
For the year 1857.....	70 72	
For the year 1858.....	8,145 60	
Total disbursements.....	<hr/>	\$175,297 07
Leaving balance in the fund.....		<hr/> <hr/> \$105,715 32

This is the balance shown by the last Auditor's Report and agrees with his books, but is not a correct account of the fund.



The report of the Auditor for 1854 shows a balance in the Fund on the 1st November, 1853, of \$5,480 43, which is not included in the Auditor's account. The sale of stock in the Madison and Indianapolis Railroad Company, for which \$31,450 was received, and the \$75,000 received for the State's interest in the Madison and Indianapolis Railroad, amounting in all to \$111,930 43, should be added to the account as also the interest which has accrued and been paid to the Auditor of State upon the stocks purchased and belonging to the fund. The reports of the Agent of State show that the sum of \$45,622 02 interest on the stocks belonging to this fund has been paid, \$11,776 65 of which appears to have been paid into the State Treasury, and is included in the Auditor's account of the fund, leaving \$33,845 37 of interest to be accounted for. The statement furnished the committee by Auditor Dodd accounts for only \$28,817 87 of this sum, leaving still unaccounted for \$5,027 50 of interest.

These sums should be added to the account and credit of the fund. \$31,429 of the sum received for the stock of the Madison and Indianapolis Railroad Company was invested by Auditor Ellis in  $2\frac{1}{2}$  per cent. stocks, and the \$75,000 received for the State's interest in the Railroad was in 5 per cent. stocks at par. These sums should be charged against the fund, and the account would then stand as follows:

Receipts as shown by Auditor's books.....	\$281,012 39
Add amount in treasury belonging to fund November 1, 1853.....	5,480 43
Received on sale of railroad stock.....	31,450 00
Received on sale of interest in railroad (in State stocks).....	75,000 00
Interest on stocks not included in account:.....	33,845 37
<hr/>	
Total receipts to October 31, 1858 .....	\$426,788 19
Disbursements shown by Auditor's books.....	\$175,297 07
Add stocks purchased with proceeds of sale of railroad stocks.....	31,429 00
Stock received for sale of interest railroad.....	75,000 00
Total expenditures to Oct. 31, 1858 .....	<hr/> \$281,726 07
Leaving balance due the fund.....	\$145,062 12

On the 18th day of January, 1855, a warrant was issued to E. Newland, then Treasurer of State, for \$34,000, amount paid J. W. Wright for \$40,000 of five per cent. stocks at 85, but it appears that only \$35,000 of the \$40,000 thus purchased were transferred to the fund afterwards on the 27th November, 1856. J. W. Wright refunded \$2,050 of the amount paid to him, leaving still



due of the amount paid him for the \$5,000, of bonds not transferred to the fund, the sum of \$2,200, and the interest on the same; but there does not appear to be any charge against Mr. Wright for the amount on the books, or any explanation of the transaction. With these facts and others of similar character before them, the committee could not hesitate as to the course they should take. This pernicious system of perquisites was to be avoided; the use, loaning and depositing of the public moneys had to be denied to the Treasurer, and the requirements of the law to be enforced by efficient penalties.

For this purpose the committee prepared three bills—the *first* giving fixed and adequate salaries to officers; the *second* prescribing the duties of the Treasurer and other officers in collecting, keeping and disbursing the public moneys, and the *third* declaring the improper use of such moneys to be embezzlement, and prescribing punishment therefor. These bills were respectively known as the “salary bill,” the “treasury bill,” and the “embezzlement bill.”

The committee will briefly speak of the character of these bills.

*First.* The salary bill allowed adequate salaries to all State officers, cutting off all perquisites of office and requiring all fees to be paid into the treasury. There will always exist a great difference of opinion as to what is a just salary; although some may think the salaries high, they will be found small indeed when compared with the amounts heretofore actually received. A fair salary should always be given, not so high as to make it the primary object on accepting office, nor yet so low as not to command sufficient capacity for the proper discharge of the duties, or to cause the duties to be neglected or improper means resorted to for an increase of the pay.

*Second.* But the most difficult subject presented for the consideration of the committee was to provide for the financial evils of the treasury department. Heretofore the law had permitted the Treasurer to use the public money as if it were his own, until the demands upon the State required payment, and whatever of gain he made by such use went into his own pocket to compensate for an insufficient salary. How much the Treasurer thus made no person may know, but it has been variously estimated from ten to twenty-five thousand dollars annually. But when losses occurred the State was expected to be the sufferer, and the incoming Treasurer felt himself under no obligation to collect the suspended debt created by a predecessor. Thus of the suspended debt of \$107,121 51, part was created by Mr. Newland, part by Mr. Nofsinger, and part by Mr. Jones.

In 1857 the State of Ohio, under a similar system, found its treasury bankrupt, when there should have been in it a balance exceeding \$750,000. An examination showed that frauds had been perpetrated for years, and by ingenious contrivances everything seemed right, even when the condition of the treasury was subjected to a close investigation.

Of such a system it has been truly observed, that while it offers the temptation, it affords the facilities for depredations; and in addition to this, is the power of party and pressing of partizans for money accommodations.

The power permitted to the Treasurer to loan the public moneys results in losses, less glaring but not less real than the suspended debt already noticed. An instance of this is furnished by the report of Mr. Mills, late Superintendent of Public Instruction, in his report to the Senate in March, 1857.

When Mr. Newland was Treasurer he loaned to the Madison and Peru Railroad Company \$32,000 of the Township Library Fund. It could not be replaced when it was needed to pay the Messrs. Harper, of New York, for books purchased. The Railroad Company engaged to pay that sum to them in eight and twelve months. This it did, but did not pay \$1,960 which the Harpers charged as interest for non-payment of their bill when due. The State paid it because the Superintendent of Public Instruction, Mr. Larrabee, certified the charge to be correct. The Railroad Company promised to pay it but has never done it.

But whatever loss the State has incurred it is much more chargeable to the legislation which has sanctioned the present system than to a want of skill or honesty in its Treasurer. To have large balances in their hands, composed of all kinds of currency liable to depreciation, with no place of safe keeping, is a situation in which no officer should be placed. To collect the public revenues with efficiency, safely keeping them in a common depository provided by law, and to disburse them on proper warrants, is duty enough to be discharged by any one officer. To deliver him from temptation and partizan demands is the duty of the law-maker.

In preparing a bill for a better system, the committee of ways and means desired to take from the Treasurer all power to loan or in any manner use the funds. But whether he should deposit them in banks designated by himself or by law, or in a common depository for that purpose, was a question not so easily determined.

To withdraw from circulation a considerable portion of the currency of the State, at a time too when most needed to pay the indebtedness of its citizens, was to be avoided if possible. But the danger of banks failing, and their securities for deposits being unavailable when needed, if such securities had been given, could not be overlooked.

From facts and considerations like these, the committee believed that the funds of the State should be in the custody of its Treasurer.

Another important question was, whether the revenue be received in gold and silver exclusively, or in currency, and if the latter, what kinds of currency? A majority of the committee believed that in the present scarcity of coin in the Western States it would be oppressive upon the tax-payer to require gold and silver.



It would result advantageously to those who made coin an article of traffic, and would restrict the ability of our banks to accommodate the purchasers of produce. They believed that so long as our foreign trade strips the United States of its coin, the sub treasury system, however desirable, for many reasons should not be established.

To receive the currency in the State composed of the issues of all the banking institutions of neighboring and eastern States, generally, would subject the treasury to serious losses from its depreciation, unless a power was given to the Treasurer to deposit it, and such power leads to those losses and abuses we have already considered. The only intermediate course was to limit the taxpayer to gold and silver, and the issues of the banks of the State. It was believed that this course would not oppress the people nor subject the treasury to loss.

Another evil to be guarded against was that disregard of the law too often seen in official acts. The committee have cited several instances in the drawing of money from the United States by persons not authorized by law to receive it, in the substitution of *informal* receipts by the Treasurer for those of the Auditor. Acts of this kind may sometimes be convenient, and sometimes are permitted from confidence in individuals; but they furnish precedents that may be used for the most dishonest purposes. The Ohio frauds furnish many instances of this. As a check on the Treasurer the Ohio law required that no county treasurer should pay over to him, except on the draft of the Auditor of State, who issued these drafts to the Treasurer of State. But instead of presenting the drafts to the county treasurers he would send word to them that he had such drafts and they would forward the amount to him, thus paying the draft but leaving it in possession of the Treasurer of State. When the Treasury was examined, he produced the funds which had been paid on these drafts, and also the drafts themselves, to show that they had not been paid. This was one of his means to conceal the actual deficiencies in the treasury.

To require an unconditional and absolute obedience to every demand of the law was a leading object in the bill reported by the committee.

*Third.* To enforce such obedience, especially to those provisions which prohibited the use of the public money, and required the payment into the treasury of the fees or other emoluments of office the embezzlement bill was prepared. The law is wholly powerless, unless penalties are prescribed and enforced against officers violating it. The committee endeavored to avoid, on the one hand, such punishment as would not be enforced on account of its severity; and, on the other hand, that light punishment which would not prevent official violations of the law.



## THE CONDITION OF THE BOOKS, ACCOUNTS AND VOUCHERS OF THE AUDITOR OF STATE.

The examination of these for the last two years has been of the most thorough character. All of the accounts were taken down, the warrants and vouchers compared. When vouchers contained a large number of items, or different accounts and claims, these were examined separately, placed under their proper heads of expenditures, and their footings compared with those of the Auditor's books, and the result was creditable to the care of the Auditor and his Deputy. The errors discovered were few, and such as can be corrected. They are as follows :

R. D. Logan, Judge Circuit Court, overpaid one quarter salary .....	\$250 00
Samuel Beck, Quarter Master General, overpaid one quarter salary .....	25 00
John B. Brothwell, Noble county Swamp Lands, overpaid in settlement .....	9 90
Treasurer of Starke county Swamp Lands, overpaid in settlement .....	5 00
A. Freeman, Porter county Swamp Lands, overpaid in settlement .....	20 00
Total smounts overpaid .....	<hr/> \$309 90

The examination pointed out certain defects in the details of keeping the books in this office. The system or details of keeping accounts are defective, which do not admit of a speedy and certain examination. Especially is this so in public offices, where the examination must necessarily be rapid, because the time of the General Assembly is short, and the members of committees busily engaged in general matters of legislation. One instance will serve as an illustration of a general defect in the books of the Auditor. If the General Assembly should desire to know whether the officers connected with the sales and ditching of the Swamp Lands are receiving too much pay under the law, or pay not warranted by the law, and should ask the Auditor to furnish a statement of the accounts of the county agents, he would have to examine general expenditures on account of the Swamp Land, amounting to a million of dollars, for their accounts are embraced in the same voucher for ditching, and to separate one from the other would require altogether too much time. Hence the great labor that the committee has incurred in their general examinations into the accounts of officers.

To remedy this evil the committee have suggested to the Auditor to open accounts with the individual officers who regularly draw money from the treasury. Their accounts can then be ex-

amined unconnected with any others. It will prevent such errors as some of the above, because the account will show whether an officer has received his quarterly pay or not.

It is understood that this suggestion meets with the approbation of the Auditor.

There is another evil that appears to have been practiced for years, of a much more serious character. It is the receiving of vouchers of the most general character—so destitute of proper details that the services or thing paid for cannot be distinguished from like services or things, either paid for previously, or for which payment may be asked subsequently. The committee on public expenditures have laid before the House various instances of this, and to one only will we refer, for it presents a fair illustration of the evil we are condemning. The patents for swamp lands issued by the State are numbered, and recorded as they are numbered. There are three series of number. Instead of presenting in his voucher the numbers recorded by him in each series, so that the Auditor could tell whether the same numbers were included in any subsequent voucher, Mr. Hayden, (former Secretary,) thus writes his voucher :

State of Indiana,	
To N. Hayden, Secretary of State,	Dr.
From 1853 to 1854, for making 16,219 swamp land patents, at 50 cents.....	\$8,109 50
1854, Cr. by Warrant No. 1,868.....	\$6,300
1854, Cr. by Warrant No. 1,816.....	1,000
	<hr/>
	7,300 00
	<hr/>
Balance due.....	\$809 50

The voucher for the warrant No. 1,868 is as follows :

State of Indiana,	
To N. Hayden, Secretary of State,	Dr.
For making 12,600 patents for swamp lands.....	\$6,300 00

These vouchers should have designated the numbers recorded by him, and as shown by the books in which the patents are recorded. They are as follows :

Series west, from No. 1 to No.....	7,809	
Series south, from No. 1 to No.....	856	
Series east, from No. 1 to No.....	4,950	
Total recorded.....	<hr/>	13,675
Whilst his vouchers show that he charged and received pay for.....		16,219
		<hr/>
Or more than he recorded.....		2,544

The facts are that he *issued* these 2,544, but did not *record* them; and his successor, Mr. Collins, recorded them, and also received pay for them, thus making the State pay twice for these patents. The Auditor of State could not know this, because the vouchers of Mr. Hayden did not show that for the same numbers for which he received payment, Mr. Collins also demanded payment.

It is obvious that great wrongs may be committed under such indefinite vouchers; and to guard the State against them, the committee in their treasury bill have required that all vouchers be properly itemized.

The examination of the books and vouchers in the Auditor's office was commenced at as early a day in the session as practicable. Two clerks were employed constantly, and yet the results were obtained only a few days prior to adjournment. Of course, no time was left for a comparison of the items of expenditure, with the laws authorizing such expenditure.

### THE SECURITIES OF THE FREE BANKS.

The committee have examined the stock deposited in the Treasurer's office by the free banks for security of their issues, and find the following:

Indiana Bank, Madison .....	\$146,577 50
Park County Bank .....	101,000 00
Lagrange Bank .....	80,000 00
Indiana Farmers' Bank .....	61,000 00
Bloomington Bank .....	100,000 00
Prairie City Bank .....	75,000 00
Kentucky Stock Bank .....	85,000 00
Exchange Bank .....	90,758 00
Bank of Elkhart .....	59,000 00
Bank of Salem, Salem .....	86,000 00
Bank of Salem, New Albany .....	87,500 00
Salem Bank, Goshen .....	62,500 00
Bank of Mount Vernon .....	68,500 00
Canal Bank .....	9,000 00

Bank bills, bank scrip, treasury notes and canal scrip examined, registered and numbered.

The committee found in the Treasurer's office the following bills, notes and scrip, which they examined and registered their dates, numbers, letters, amount and payees, and then destroyed by burning, to-wit:

*First.*—\$12,000 on the Binghamton Bank, in bills of different denominations, issued April 1, 1840, due twelve months after date, signed Mr. W. Willard, Cashier, and C. A. Cole, President, marked H. J.—72.



on the wrapper, "left by Gen. Stapp, Dec. 10, 1842, as the property of the State from the Madison Co. in 1840."

*Second.*—\$12,000 in bills on the Commercial Bank of Millington, Maryland; \$4,000 in bills of denomination of \$10, and \$8,000 in bills of denomination of \$5. All payable to J. Boone, signed N. Adams, Cashier, T. H. Mead, President, on the envelope was marked "Deposited by James Hughes for M. G. Bright, State Agent, Aug. 5, 1845."

*Third.*—Canal land certificates found in possession of the Treasurer of State, which had been returned by the trustees of the Wabash and Erie Canal, and included in their account rendered October 31, 1853, as follows:

Scrip west of Tippecanoe.....	\$1,490 00
Scrip east of Tippecanoe.....	1,095 00
	<hr/>
	\$2,585 00

*Fourth.*—Treasury notes redeemed during the term of office of J. P. Dunn, Auditor, but which remained in the office vaults as follows:

Six per cents.....	\$865 00
Five per cents.....	355 00
One-fourth per cents.....	45 00
	<hr/>
	\$1,265 00

*Fifth.*—Treasury notes redeemed within the last two years:

Five per cent. (bank scrip).....	\$250 00
Interest on same.....	128 98
	<hr/>
	\$378 98
Six per cent. treasury notes.....	\$1,330 00
Interest on same.....	950 33
	<hr/>
	2,280 33
One-fourth per cent. treasury notes.....	\$60 00
Interest on same.....	1 44
	<hr/>
	61 44
	<hr/>
	\$2,720 75

## ERRORS IN THE SPECIFIC APPROPRIATION ACTS.

In making their examinations the committee have had to refer to laws authorizing appropriations of money from the treasury, and of these most frequently to the specific appropriation acts. By these larger sums are allowed in a way that clearly shows that the General Assembly did not know how much it was appro-

priating, and the subject matter of which was foreign to the character of a specific appropriation bill. The bill ought to be limited to the expenditures incurred by the session of the General Assembly, and should not embrace such allowances as have been made to the Governor, Treasurer and other persons, for services which have no connection with these expenditures.

The specific appropriation bill must necessarily be prepared just at the close of the session and embrace a large class of pressing and just claims. Advantage is taken of this by those whose claims are either exorbitant or wholly unjust, to force them through the General Assembly upon false representations, and by preventing members from voting against them, because at the same time they would have to vote against those just and pressing claims. This evil should be remedied by the enactment of a law, specifying what kind of claims should be embraced in the specific appropriation bill. In the absence of such a law the committee have endeavored to establish a precedent by rejecting all claims from the bill reported by them, which does not constitute a part of the necessary expenditures of the session.

The committee have thus laid before the House the condition of the finances of the State, as far as their examinations have extended; the evils connected with the present financial system, and the reasons for that new system which they have reported, and which the General Assembly has adopted. It was due to the committee and to the General Assembly that these facts and reasons should be stated to the people, to whose judgment the new financial system is now submitted.

The committee append hereto condensed statements of the receipts and expenditures for the fiscal years 1857 and 1858, marked exhibits A and B.

# EXHIBIT A.

## STATEMENT of Receipts and Expenditures by Treasurer of State, from November 1, 1856, to October 31, 1857.

1140

RECEIPTS.		EXPENDITURES.	
On account of revenue.....	\$654,431 33	Ordinary expenditures.....	\$186,927 72
On account of township library fund.....	11,276 85	Revenue refunded.....	5,160 97
On account of State debt sinking fund.....	67,342 78	Township library fund.....	23,850 73
On account of common school fund.....	416,120 84	State debt sinking fund.....	70 72
On account of swamp lands.....	362,101 57	Common school fund.....	381,928 90
On account of benevolent institutions.....	10,312 02	Swamp lands.....	407,872 21
On account of congressional township.....	423 95	Benevolent institutions.....	62,864 99
On account of University fund.....	8,574 43	Treasury fund.....	10 36
On account of saline fund.....	6,565 76	Congressional township fund.....	57 46
On account of bank tax fund.....	3,066 79	University fund.....	9,667 37
On account of surplus revenue fund.....	77 00	Saline fund.....	124 51
On account of State prison.....	31,927 62	Bank tax fund.....	68 26
On account of miscellaneous.....	4,458 74	Surplus revenue fund.....	27 74
Total receipts during the year.....	\$1,577,208 78	Miscellaneous.....	20,620 19
Amount in the treasury, November 1, 1856.....	624,735 03	Treasury notes.....	2,720 75
Deduct amount due Wabash and Erie canal.....	2*6,803 12	Public debt.....	339,137 94
Total actual receipts in treasury.....	337,931 91	Total actual expenditures.....	\$1,430,709 02
Balance in the treasury, October 31, 1857.....	\$1,915,140 69	Balance.....	484,431 67
			\$1,915,140 69



# EXHIBIT B.

## EXHIBIT of Receipts and Expenditures by the Treasurer of State from November 1, 1857, to October 31, 1858.

RECEIPTS.		EXPENDITURES.	
On account of revenue.....	\$55,066 58	Ordinary expenditures.....	\$75,572 63
On account of State debt sinking fund.....	54,136 85	Revenue refunded.....	137 41
On account of common school fund.....	329,911 29	Township library expenses.....	29 96
On account of township library fund.....	132 02	Common school fund.....	330,873 47
On account of swamp land fund.....	156,974 98	State debt sinking fund.....	8,145 60
On account of benevolent institutions.....	6,010 28	Swamp lands.....	194,759 21
On account of congressional township fund.....	217 50	Benevolent institutions.....	83,215 83
On account of saline fund.....	5,627 50	State prison.....	59,410 45
On account of Indianapolis fund.....	1,088 42	Bank tax fund.....	111 63
On account of surplus revenue fund.....	234 44	Surplus revenue fund.....	99 93
On account of bank tax fund.....	5,183 10	University fund.....	10,468 03
On account of University fund.....	14,854 69	Congressional township fund.....	26 00
On account of State prison.....	36,296 90	Treasury fund.....	11 86
On account of miscellaneous.....	772 00	Saline fund.....	183 93
Total receipts to October 31, 1858.....	\$796,506 55	Indianapolis fund.....	640 91
Balance in the treasury November 1, 1857.....	484,431 06	Miscellaneous.....	19,663 88
		Public debt interest and expense of agency.....	336,244 75
		Balance.....	\$1,108,525 48
			102,412 74
			\$1,210,938 22

OFFICE OF TREASURER OF STATE, }  
Indianapolis, January 17, 1859. }

*To the Finance Committee of the Senate, and  
The Committee of Ways and Means of the House:*

GENTLEMEN :

The undersigned presents herewith a statement of the condition of the treasury, at this date, by which it appears there is in hand :	
Cash in the treasury and upon deposit in banks subject to draft.....	\$81,755 53
Advance receipts to creditors of the State, which is equivalent to cash.....	12,387 40
Deposit of Agent of State in New York, to apply in payment of interest upon public debt.....	12,077 80
<hr/>	
Available balance.....	\$106,220 73
Suspended debt as per statement.....	107,151 04
<hr/>	
Total balance.....	\$213,371 77

A large portion of the suspended debt was received from my predecessor in office, and was receipted to him as such. A portion has accrued under my administration. For the information of the legislative committees, a detailed statement of all the facts relative to the suspended claims in the treasury is presented herewith, viz :

WABASH VALLEY BANK.

I received from my predecessor a judgment against this bank, recovered in the Cass county Circuit court, for \$9,484 04

Execution was ordered out under this judgment, lands were turned out by the bank, which at the sale were bought in for the State at about \$7,000; this land was subsequently sold under an act of the Legislature of 1857, to William H. Locke, on which sale there was paid cash..... \$1,000 00

Three notes were given for the balance of the purchase, all dated April 16, 1857, with interest from date, as follows :

1 payable 1st April, 1858, for..	\$1,600 00
1 payable 1st April, 1859, for..	2,500 00
1 payable 1st April, 1860, for..	3,500 00
There was paid on the note due April 1st, 1858, on the 25th December, 1858.....	990 00
<hr/>	
	1,990 00

Leaving still due from the claim...	\$7,494 04
-------------------------------------	------------

The balance due from the bank over and above the obligations of Mr. Locke, which are amply secured by the land for which they were given, \$84 04 and interest, the State holds a bond given by the stockholders to secure the deposit made by the Treasurer. I understand the stockholders intend to test the validity of this bond.

### METROPOLITAN BANK—INDIANAPOLIS.

I received from my predecessor in office, as such, the following described certificates of deposit of this bank, accompanied with collaterals, which afterwards proved to be nearly worthless :

One dated December 20, 1856, for.....	\$2,280 10	
One dated February 2, 1857, for... ..	3,113 78	
One dated April 11, 1858, for.....	2,311 59	
One dated April 3, 1858, for...\$3,284 00		
On which was paid August 19,		
1857.....	1,747 17	
	<hr/>	1,536 83
		<hr/> \$9,242 21

To secure the payment of this indebtedness, I had in trust for the State seven thousand, eight hundred and eighty (7,880) acres of Beaver Lake Swamp Lands. The title to this property is good and it has been well ditched. I also hold in trust as collateral security for the payment of this debt, forty-nine acres of good land, adjoining the town of Brazil, in Clay county. I deem these collaterals ample to secure the amount due.

### INDEBTEDNESS OF MAY, BRIGHT AND DRAKE.

I also received from my predecessor, as such, two protested bills of exchange, drawn by M. G. Bright and J. P. Drake, on Allen May, for \$39,933 01.

### INDEBTEDNESS OF ASSIGNEES OF JOHN THOMPSON.

The following is a statement of the indebtedness of John Thompson, New York city :

John Thompson in account with Treasurer of State of Indiana,

Dr.

1857, June 16, to deposit.....	\$20,110 86
June 17, to cash.....	1,990 00
June 29, to cash.....	10,000 00
August 19, to cash.....	1,864 85
	<hr/>
	\$33,965 64



Cr.

1857, June 26, by cash.....	\$635 64	
June 30, by cash.....	10,000 00	
July 22, by cash.....	3,000 00	
August 21, by cash.....	50 00	
	<hr/>	13,685 64
Balance due.....		\$20,280 00

For which amount he gave his obligations to the State, dated August 31, 1857.

This money was deposited by me with John Thompson, as Treasurer of State, and as the money of the State, and it was always held by him as such. It was the surplus of the amount I had provided for the payment of the interest upon the public debt of the State, due July 1, 1857. I provided more funds than was necessary as a precautionary measure to meet any contingencies which might happen, such as the non-payment of some of the drafts remitted for that purpose. Upon hearing of the failure of Mr. Thompson, about the 24th of August, of that year, I immediately proceeded to New York to secure the claim, but found that he had made an assignment of all his effects. The assignees have offered to pay me some eight or nine per cent. dividend upon the claim, if I would release the liability of Mr. Thompson for the whole amount of his indebtedness. This I refused to do, but offered to take the amount of the dividend and credit it upon the claim. This the assignees would not do, and the claim stands as reported above.

### BANK OF THE CAPITOL—INDIANAPOLIS.

I hold a certificate of deposit in favor of the State given by this bank on the 15th of Sept., 1857, for..	\$7,620 00
Subsequently I purchased from the assignees, with the approval of the officers of the bank, the fixtures and safe now in my office, for which I allowed.....	2,000 00
Leaving a balance due (without interest) of.....	<hr/> \$5,620 00

When I came into office, I received from my predecessor a deposit in this bank of \$15,771 11, which I reduced to the present indebtedness previous to its suspension. This bank was considered by the community generally, a safe depository for a moderate amount. This representation is best attested by the large amount of deposits held by the bank at the time of its failure. Many of the depositors were the most cautious business men of Indianapolis.

## CENTRAL BANK—INDIANAPOLIS.

At the time I came into office I found deposited in	
this bank the sum of.....	\$7,642 53
This amount I subsequently reduced.....	3,644 50
	<hr/>
Leaving an indebtedness of.....	\$3,998 03

In October 1857, this bank had \$16,000 of Indiana stocks as security for its circulation, and it having determined to close business it was proposed that the excess of securities, after the redemption of its circulation, should be transferred to the Treasurer of State to refund the above indebtedness. This bank had, at one time, a very large circulation, and it was supposed by experienced men that the excess of bonds, (being ten per cent. above circulation,) and the lost circulation, would be sufficient for that purpose. It turns out, however, that it will not do so, but the exact amount of the deficiency cannot be ascertained until next May, the limited period for closing the bank expiring at that time. Whatever it may then be I am assured shall be paid. (I shall commence suit against the stockholders of the bank for the amount of its indebtedness.)

## BANK OF GOSPORT—GOSPORT.

Amount of indebtedness, January 12th, 1859, \$20,553 75. For this I hold the certificates of deposit of the bank for \$15,000 00, dated February 16th, 1858, and \$5,553 75, dated December, 25th, 1857. For collateral security for the payment of the foregoing named amounts, I hold three notes of \$5,000 each, dated February 16th, 1858, signed by W. D. Alexander, J. J. Alexander, L. M. Hays, B. F. Hays and L. Gentry, and \$15,000 in judgments, notes, &c., against the citizens of Owen and adjoining counties, most of which are considered good. In addition, the State holds a surplus fund of this bank, consisting of the ten per cent. excess bonds and lost circulation, after the circulation is redeemed, which will probably amount to \$8,000. The stockholders of the bank are also liable to an amount equal to the amount of stock held by them, against whom I have ordered suit to be commenced.

My official term has been one of great embarrassment. Soon after its commencement the Legislature of 1857 adjourned without providing a revenue for State purposes and failing to pass a general appropriation bill. Under this state of circumstances, and with the advice of the State officers, I assumed the responsibility of paying out the public funds in my hands to meet those necessary public expenditures which should have been provided for by the Legislature and to continue in operation the State charities. This action I believe has met with the approval of the people of Indi-

ana. If I had been influenced by the desire to make money out of my office, I could have retained the large amount of public moneys in my possession, and used the funds to subserve my individual interests.

In addition I passed through a financial crises of great severity, which not only embarrassed the whole country, but crushed banks and bankers who were considered safe depositories of money. I need only instance the Ohio Life and Trust Company as an example, an institution which would have been considered, on the 1st day of July, 1857, by the people of Indiana, as abundantly safe for the depository of our public funds. During this period, according to the custom which has prevailed in this office, I received from the county treasurers for State dues, the circulating notes of banks scattered over the Union, and made such disposition of them as I supposed would protect the public interests. The State has not provided a safe depository for the public funds, and the Treasurer is left, therefore, to seek such as his judgment may consider secure. It would be unjust to require it, and no Treasurer would be willing to assume the risk of keeping on hand large balances in the circulating notes of the various banks of the country, and he is, therefore, compelled to make such disposition of them as will, in his opinion, best secure the State against the liability of loss by keeping such currency on hand until paid out by requirement of law.

In conclusion permit me to say that I have endeavored to faithfully and honestly discharge the trust confided to me. If errors have been committed they were those of judgment and not of intention. I invite the closest scrutiny of my official acts and am ready, whenever desired, to give any information in my possession with reference to the administration and condition of my office.

All of which is respectfully submitted,

AQUILLA JONES,  
*Treasurer of State.*

Mr. Austin moved that the report be laid on the table, and 1,000 ordered to be printed ;

Which was agreed to.

The report of the stationery committee was laid before the House.

Mr. Parrett moved that the report be not spread upon the journal ;

Which was agreed to.

Mr. Griffin, by leave, made the following report from the committee on the rights and privileges of the inhabitants of this State :



MR. SPEAKER :

The committee on rights and privileges, to whom were referred divers memorials from Warren and other counties, praying the repeal of the law of March, 1852, authorizing the organization of companies for the arrest of horse thieves, have had the same under consideration, and have instructed me to report the same back, with the recommendation that it be laid on the table, as legislation on that subject is inexpedient.

The report was concurred in.

Mr. Parks, by leave, made the following report from a select committee :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of the State, asking a change in the State Constitution, have had the same under consideration, and instructed me to report the same back to the House, and say, that while they are in favor of the prayer of the petitioners, yet, inasmuch as the matter has been referred by an act of the present General Assembly to the people, therefore the committee is of opinion that further legislation on this subject is unnecessary.

Mr. Dougherty moved that the report be laid on the table ;  
Which was agreed to.

Message from the Governor by Mr. Osborne, Executive Messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bills :

Senate bill No. 163. An act relinquishing to William English of Dearborn county the interest acquired by the State of Indiana by escheat in and to in-lot No. (33) thirty-three in Rossville in said county.

House bill No. 341. An act making specific appropriations for the year A. D. 1859.

Senate bill No. 106. An act to provide for the relief of purchasers of real estate at sheriffs' sales under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the Revised Statutes of 1852 took effect, and where such sureties, being the owners of such real es-

tate, had sold and conveyed the same after becoming such recognizers, but before judgment of forfeiture thereof had been taken.

House bill No. 188. An act supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 30, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act.

House bill No. 254. An act making the register of sales of Michigan road lands and certified copies of entries therein evidence, and declaring the effect thereof, and making the records of patents and certificates of purchase and other evidence in writing of the sale of real estate, and certified copies of such record, evidence, and declaring the effect thereof.

House bill No. 228. An act to provide for the collection of the surplus revenue fund, belonging to the counties of Dekalb, Lake and Wells, on loan at the State treasury, and for the payment of said fund over to the treasurers of said counties.

House bill No. 222. An act to amend section 42 of an act entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and the disposal of the business thereof.

House bill No. 256. An act to amend the seventy-first section of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1852.

House bill No. 234. An act to amend the fourth, twenty-seventh, one hundred and seventh and one hundred and forty-third sections of an act entitled "an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and to establish township libraries and for the regulation thereof, and repealing all laws and part of laws coming in conflict with this act.

House bill No. 245. An act to authorize deeds and mortgages heretofore acknowledged before county auditors, to be recorded, and authorizing the same and also the record thereof, to be read in evidence, making such record notice to third persons and making such conveyances valid.

House bill No. 21. An act providing for voluntary assignments of personal and real property in trust for the benefit of creditors and regulating the mode of administering the same.

Senate bill No. 156. An act authorizing the purchase of railroads, plank roads, turnpike roads and McAdamized roads, or parts thereof, under mortgage sale, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties.

Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the resolution of the House appointing a committee to wait upon his Excellency, and ascertain whether he has any further communications to make to this General Assembly, and has appointed Senators Carnahan, Line and O'Brien said committee on part of the Senate.

Mr. Boyd made the following report from a select committee:

MR. SPEAKER:

The select committee, appointed to wait upon the Governor, have performed that duty, and beg leave respectfully to report that his Excellency has no further communication to make to this General Assembly, but his Excellency wishes the members a pleasant and safe journey to their homes.

Mr. Branham demanded a call of the House,  
Which was ordered.

The Clerk proceeded with the call when the following members answered to their names:

Messrs. Austin, Baird, Blythe, Boy<sup>d</sup>, Boxley, Branham, Claypool, Clayton, Colgrove, Cotton, Dougherty, Devol, Early, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Jordan, Keefer, Lawhead, McLain, Major, Mansfield, Miller, Nelson, Parks, Parrett, Prosser, Ritter, Rynerson, Sherman, Shockley, Smith of Miami, Snyder, Stiles, Tebbs, Thompson of Elkhart, Treadway, Wheeler, Whetzel, Wood and Mr. Speaker—47.

On motion by Mr. Austin,  
The further call of the House was dispensed with.



The Speaker then delivered the following valedictory:

**GENTLEMEN:** Our diminished numbers proclaim with an emphasis unknown to words, that we have at last arrived at the close of the session—the extreme term of our joint labors—the moment of our final separation. From this hour, as from a high—attained through much earnest, arduous, and, I trust and believe, patriotic effort—we may now pause for a moment to survey the path which has conducted us hither, and sum up a few of our achievements by the way. There seems to be a peculiar fitness and propriety in thus contemplating at its close, the results of the session. It tends to fix upon each of us a consciousness of the share which he has taken in producing, modifying or retarding them, and the consequent responsibility under which he returns to his constituents. It indicates, likewise, to each, how far, if at all, his own peculiar and cherished opinions have been changed in substance or form, or both, before they could become laws by receiving the sanction of the General Assembly in the forms of the Constitution. It must impress every enlightened and fair mind, too, with the great fact—often overlooked even by wise and good men, but “eternally present and abiding”—that all popular, free, representative government originates in compromise, exists in compromise, and perishes whenever and wherever compromise ceases. Compromise is indeed, the life of free popular institutions. A government that discards it, and the spirit of kindness and conciliation of which it is born—whether controlled by one man or by millions—is already a despotism. Let him who would estimate its importance in a government like ours, endeavor to trace the transit of an individual opinion from its first announcement until it finds expression in the laws. He will behold it so modified by additions and subtractions in substance and form, that even its author would not recognize, in the final product, the child of his own brain. Public opinion we all concede is but the result of the individual opinion of those who constitute the public; yet the waters of the Mississippi are not more unlike those of the several fountains from which they have flowed, than is the opinion of the public unlike that of the several members of whom it consists. Public opinion is an involuntary compromise between the opinions of those who compose the public; written constitutions and laws, voluntary compromises of the same elements.

In making out the brief summary which I propose to present, of some of the principal events of the session, I shall begin with the first step—the reorganization of the House—at its commencement. As I was, at that time, involved in the matter—stood in such relation to that organization as to be then regarded as an interested party thereto, I did not then place upon the journal what I thought and said in relation to it. I felt that those who entertained opinions different from my own, might, and probably would, regard

anything I should then say, as the result of interested personal feeling. I remained silent; but my opinions and convictions then, are my opinions and convictions still; and as our constitution provides that "any member of either House shall have the right to protest, and have his protest, with his reasons for dissent entered on the journal," I propose now, when no interested motive can possibly attach to the act, to enter my matured, deliberate and solemn protest against the whole proceeding involved in the reorganization of the House of Representatives at the opening of the regular session.

I feel impelled to this course from an imperative sense of duty; because I am unwilling that my assent to a proceeding which I have always regarded, and still regard, as in contravention of the constitution as well as the laws and usages of legislative assemblies, should be hereafter inferred from my silence; or that that action itself should stand as, or in any way tend to establish, a precedent for the government of future Legislatures. At the time it occurred, I had, I thought, pretty thoroughly investigated the question so far as parliamentary history and precedent were concerned, and had found not one instance—not exceptional in its circumstance and character—favoring, or tending to favor, the position then taken by the House.

The Constitution of the State of Indiana provides:

The sessions of the General Assembly shall be held biennially at the Capital of the State, commencing on Thursday next after the first Monday in January in the year 1852, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may at any time, by proclamation, call a special session. Art. 1, sec. 9.

Under this authority the Governor called us together on the 20th day of November, 1858. At that time this House was organized by the election of officers, whose term of office could not, in my opinion, according to parliamentary law and usage, and to the plain import of constitutional provisions, expire, without fault on their part, before the expiration of the term for which we, as members of this House, were elected. The tenth section of the first article—being the one immediately succeeding the one just cited—taken in connection with that, renders this point clear to my mind. It is there provided that "each House, *when assembled*, shall choose its own officers." Now, "when assembled" on the 20th of November, this House had organized, by the choice of "its own officers;" and having once made that choice, it seems to follow as clearly as any conclusion can, from given premises, that the power of the House was, in that direction, exhausted; and that those officers so chosen, unless deposed, were elected for and during the life of the General Assembly. Therefore, when the House assembled at the commencement of the present session, no choice of officers was necessary, or proper, or lawful. And for



the plain reason that they had been already chosen—had already taken the oath of office—were already in office, and prepared, and in duty bound to enter upon the discharge of their respective official functions.

I remember, too, that many who ultimately participated in the reorganization of this House, at the beginning of the special session, and indeed, until long afterwards, entertained the same opinion I have now expressed; and some of those who subsequently set on foot and supported with singular zeal and ability that reorganization are known to have expressed themselves, *prior to the first organization*, in unequivocal terms in favor of the permanency of that organization. I too, then, consulted some of our ablest lawyers upon the subject, and they were of the same opinion. I referred again to the authorities, and found them also on the same side. Of these I shall cite one. It presents a summary of them all, however, and is precisely in point. It is in the following language:

Sec. 296. The office must also be permanent; not only to avoid the inconvenience of frequent elections, but because its duties will be more likely to be well performed by a permanent than a temporary officer.

\* \* \* \* \*

The Speaker of the House of Commons accordingly holds his office during the whole term of the Parliament to which he was elected a member; and in this country, the presiding officers of our Legislative assemblies hold their offices to the end of the term for which their respective Legislatures have been elected; notwithstanding any adjournment or prorogation, that may take place in the meantime.—*Law and Practice of Legislative Assemblies*, by L. C. Cushing.

Now, as already shown, there is nothing in our Constitution changing this law, or requiring a different rule to be followed in the organization of this House; but, on the contrary, the true intent and meaning of that instrument imposes on us the same rule. I, therefore, leave my protest in what I have now said, as a testimony that I did not at that time, and do not now, assent to that reorganization which took place at the commencement of the present session, as having been either necessary, proper or legitimate.

I thought, however, and still think, that he must be altogether unworthy of this position, who, having been once entrusted with its duties by the generous confidence of his fellow-members, could not succeed a second time by their suffrages to the same honor. Your action in the second election justified my opinion, that our past relations were the best pledge that I could have desired for their continuance.

But we have had other questions before us during the session—questions of the greatest importance—in the consideration and discussion of which we have engaged with profound feeling and interest. Among these none can possibly be of higher moment to



the friends of State rights and the preservation of the Federal Union as connected therewith, than that involved in the election of United States Senators. That presented to us, and still presents to the country, a question reaching to the foundations of our Government, Federal and State. I know it is a political question, involving the actions and feelings of parties; and, for that reason, it may seem out of place to some, for me to refer to it here. I do not think so however; for exercising as it must an influence upon the action and character of the State of Indiana that will cling to us through all future time; an influence which, if unreversed by our future action, will tend to the subjection of the State to a Federal dictation and control never contemplated by those who framed our Federal Government, and which will inevitably end either in the destruction of that Government by the indignant resistance of the outraged States to that usurped control, or in the destruction of the States in one massed and consolidated national establishment, it cannot be amiss for any citizen of the State to refer to it at any time, or on any occasion. It cannot, therefore, be amiss for me to refer to it even here and now.

No matter whether the action of those who participated in that election was in strict and absolute conformity with the constitution or not, it was still *prima facie* the action of the State of Indiana—her solemn decision, rendered through those who had a right—and the only right—to speak for her on that subject. Regarded in that view, it would seem that when transmitted to the General Government, or to that branch of it, entrusted with the cognizance of the questions it involved, a decent regard for the forms of justice and the rights of a sovereign State, entitled it to be fairly and fully considered, and that such a consideration required a full and fair hearing of those agents whom the State had clothed with her authority and empowered to present her cause. Such a hearing was denied to the State of Indiana; and she was informed that her cause had been pre-judged in her absence, as the only reason for the denial. Surely every fair minded man in the nation, must, in the end come to regard the course thus pursued by the Senate of the United States, as without a parallel in the history of free governments. I say this without reference to the question, whether the demand of Indiana was pursuant to the strict and absolute requirements of the constitution or not. That it was so, however, is a proposition susceptible of demonstration. It will be this—the constitutionality of the demand—that will deepen the injustice and aggravate the outrage inflicted upon State rights by the Senate of the United States, in the eyes of all just liberty loving men in all future times.

And now, although this affair may seem to have passed away from the public mind, yet it is only for the time being. The whole subject will be re-opened. Upon another field before our common constituents we shall meet again to reconsider it. Doubtless the

action of the Federal Senate will then be fully investigated, and the decision of the questions involved—questions vital to the sovereignty and honor of Indiana—readjudicated by a tribunal higher than that Senate—even by her own sovereign people. To that forum, I assign them.

The next question falling under our consideration, which I desire to notice, is one in the discussion of which there was mingled no partizan feeling, so far as I am now aware. I refer to the Constitutional Convention Bill of the gentleman from Floyd. It submits to the people a proposition to call a convention to remodel the State government—enables them to decide, through the ballot box, whether there shall be another convention of delegates, for the purpose of altering and amending the present constitution. There could possibly have arisen no partizan feeling, in the fair discussion of such a proposition. It asserts simply, the right of the people—their legal and constitutional authority—to act upon all those questions involved in the organization of their own government. In this measure, we have simply given back to them, the legal right to express an opinion as to whether the State Constitution shall be altered, amended, or abolished. I am sure, that what that opinion may be is to me as much a matter of indifference, so far as I am individually concerned, as to any other citizen; but the right to express it must always be regarded as of the greatest importance to the people of the State themselves. It makes them what they are and ought to remain—free and sovereign.

There are many provisions in the present constitution which prevent the people from acting for the advancement of their own best interests. Perhaps its worst features are those which regulate the great business of public education—which require absolute uniformity in conducting it, and thus prevent any given section of the State—county or township—from acting according to the requirements of its advanced information and ability, until the most backward can be brought up to the same standard. Thus, there can be no such thing as individuality in the development of the different divisions of the State, under the present instrument. No expression can be given to the individual characteristics of different communities. While it establishes civil divisions as a part of its own essential machinery, it destroys every useful function thereof, by denying to them any power whatever to pursue their own volition in the management of their respective concerns. It thus seeks to make all civil concerns conform to one flat, uniform, constitutional level; and, which is a still greater misfortune, this constitutional leveling tends rather backward than forward—downward than upward. Many, therefore, are desirous of such constitutional change as shall enable those communities, having the desire and means to go forward in advance of their less favored neighbors, to do so.

With a view to this and other considerations not less important,



I regard the passage of the act in question as a measure of the highest public interest and importance.

A series of investigations of the several public offices of the State government, which have resulted in the discovery, sometimes of a favorable, and sometimes of an unfavorable record on the part of those who have kept them, was instituted at the opening of the special session. During the present, it has been continued and almost completed. It is always proper thus to open up every office to the inspection of the people. It is always proper that the people, through their representatives, should know how their servants have conducted those offices of public interest and concern with which they are entrusted. These investigations were directed to that sole object—they were instituted and carried on for the purpose of giving the people information concerning the manner of conducting the public business. How far they have succeeded, it is not yet for me to say; but certainly something—I think much—has been done in the right direction. Many defects have been discovered in the old financial system of the State; and many efforts have been made—founded upon these defects—to remedy them.

The various remedies proposed for the correction of our financial system have, by a compromise of views, been matured into a series of great financial measures.

1. The first of these—the platform upon which all others were based—is the Sub-Treasury system. This measure alone is calculated to save the State, harmless of those losses which, during the last five or six years, have depleted the Treasury to the extent of at least *one hundred and seven thousand dollars* in actual cash. This new treasury system provides that the Treasury shall be the only depository of the money of the State; and to make that secure, “the Auditor and Treasurer of State, under the direction of the Governor, are required to provide such additional locks, safes and vaults as may render the public funds absolutely secure against fire and burglars.” It also makes an appropriation of an indefinite sum of money—“such money as may be necessary”—to provide “such additional locks, safes and vaults.”

2. Having thus provided a depository for the public securities and moneys held by the State, and invested the Auditor and Treasurer with authority to make it absolutely secure, we next proceeded to establish upon that foundation a sound system of salaries for public officers—cutting off all those ruinous perquisites, which have hitherto constituted an enormous abuse in almost every department of public service; and directing the payment of all fees heretofore paid to State officers to be hereafter paid directly over by them into the State Treasury. The State, under this system, undertakes to pay her own officers for their services, and, indeed, she pays liberally—the amount of compensation being, in some instances, nominally doubled, thribbled, and, I believe, in others even quadrupled, as compared with former salaries. The



salary bill is eminently just and proper in its provisions, and no man ought to be ashamed or afraid to face his constituents and tell them that he supported it on the sole principle that "the laborer is worthy of his hire."

3. Then, as we had learned from experience in time past, that the bonds of our public officers had often failed to secuee us from loss, and that our highest, and, indeed, almost our own security had been found in the integrity of the officers themselves, it was thought that another step in the direction of safety was necessary. That step we took in the enactment of what has been known as the "Embezzlement Bill," which passed with an unanimity not often witnessed—there being, I believe, only thirteen votes against it in the House of Representatives. It was to this measure that we looked—and with reason—for the safety of the public securities and funds under the new Treasury system. It was, indeed, the keystone of the arch we had erected, and on which we fondly hoped the public interests might securely repose. But it had yet to pass through the hands of His Excellency, the Governor. To be sure it was liable to no valid constitutional objection, and stood in intimate relation with the two preceding measures—the Sub Treasury and Salary bills—one of which had already become a law, his objections to the contrary notwithstanding, and the other of which he finally approved. What danger then had we to apprehend from that quarter, for a measure so important to the security of the public, and so united with those already passed, or which were to be passed? Surely there could be no just fear of any; and especially as some, who were intimate with His Excellency, are said to have assured the Senate, pending the consideration of the Salary Bill, that the Embezzlement Bill, then in his hands, would receive his sanction, and urged that assurance, too, as an argument without which, in all probability, it could not have passed. Still, after all this, because the Embezzlement Bill would cut off the profits realized from an illegitimate use of the public funds, (for that is the only reason), at a late hour on Saturday, after the power had passed from our hands by the return to their homes of a large number of our fellow members in both Houses, the Governor, in the exercise of a power conferred upon him by the constitution—(and with his action I shall find no other fault than to condemn it as a most unfortunate political measure)—after nine o'clock on Saturday night, His Excellency returned that bill to the Senate, where it originated, with his veto. The want of a quorum at that time, and since, in that body, has prevented this House from receiving that message in the method pointed out by the constitution, and from hearing the reasons of the Governor for his action in relation to that measure, in the ordinary way. But I have secured a copy of the message containing his reasons, and I propose to make it a part of this farewell speech, that you may hear them, and that they may go upon the journal of the House of Representatives, also:—

*"Gentlemen of the Senate:* I return to you enrolled Bill 28 of the Senate, entitled 'an act to provide for the safe keeping of the bonds, mortgages and other securities entrusted to the care of certain officers herein mentioned, defining certain felonies and misdemeanors and prescribing punishment therefor, and providing for certain evidence on the part of the State,' without my approval."

"Without my approval!" Not in the language of the constitution: "with his objections thereto."

"Experience has demonstrated that there is great necessity for guarding, by stringent laws, the securities and moneys entrusted to public officers. The only guarantee the State has ever had that they would return the securities and moneys entrusted to their keeping, has been their integrity and bonds.—At no time has any one of them been authorized to loan any portion of the public moneys, or to convert to his own use any security or bond deposited with him. On the contrary, they now are, and ever should be, held responsible for all they receive. But so long as the State provides for them no place of deposit for its funds, and requires of the officers that a bond shall be given for their payment, it is wrong by law to make them guilty of felony if they deposit the securities and moneys of the State where they believe they will be secure."

"Wrong by law!" Why, the very act was in his hands, had he withheld his veto, to make it right by law to punish them as felons for the illegal use of the public funds. But His Excellency's chief objection rests upon the position that the State has provided "no safe place of deposit for its funds." The whole force of the position, however, is lost when it is taken in connection with the responsibility which he admits has always rested upon them, to account for all they have received; and the still more cogent fact that the Sub-Treasury bill provides that "the Auditor and Treasurer of State, under the direction of the Governor, are required to provide such additional locks, safes, and vaults as may render the public funds absolutely secure against fire and burglars, and appropriation is hereby made of such money as may be necessary to obtain the same."

And now, gentlemen, so far as the labors of this session are concerned, they are at an end; and so far as our pleasant public position here, (for to me it has been such, though a very laborious one,) is concerned, it too, is at an end. We shall never all meet again in the capacity in which we have here so often looked each other in the face. For ninety-six days I have sat before you, until the features of each one of you have become as those of a familiar and dear friend, and until I can now recognize and trace in memory, every lineament, without the presence of the original. And allow me to assure you, that amongst those emotions which during the last week, have been uppermost in my heart—as one after another of those friendly faces have passed away from my sight—have been such as have been aroused by the painful thought, "I shall see him no more." And then I have felt as one may deem



some lone wanderer of the heavens would feel, whose face had been long turned toward a hundred "bright particular stars," when he should first behold them, one by one, begin to fall and disappear in mist and gloom, leaving him but the mournful reflection that all would soon be gone, and he left to pursue his course through the dark and chill night without their friendly light to guide and cheer his wanderings.

Whatever may have happened here to mar for a moment those kindly offices and sentiments that have made us each to each a friend, has been already, so far as I am concerned, buried in the grave of everlasting forgetfulness; and I am well satisfied it is so with each of you also. Your generous indulgence toward me, assures me, that you will always be as ready to forgive, as you have been generous to sustain.

And now, in parting, I do most cordially wish, that when you shall return to your homes, you may find all who are near and dear to you there, in health and happiness; and that, after passing long and happy lives with them, each of you may be prepared to hear the roll-call of the Great Presiding Office of the Universe, and so enter into the chambers of the blessed.

I now pronounce this House dissolved without day.

RICHARD J. RYAN,  
*Principal Clerk.*

GEORGE H. CHAPMAN,  
*Assistant Clerk.*



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# BILLS OF THE HOUSE.

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1	A bill to provide for taking the sense of the qualified voters of the State on calling a convention, to alter, amend and revise the constitution of the State.....	34	34, 61, 246, 272, 287 [436, 439, 483, 696]	752	1105		1112	Davis.
2	A bill relative to the salaries of public officers, and providing for the payment of the same, and to repeal so much of an act entitled "an act relative to the salaries of public officers, and providing for the manner of paying the same," approved June 18, 1852, as is inconsistent herewith .....	34	35, 61, 577 961					Stanfield.
3	A bill to amend section 302 of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize colored plaintiffs and colored defendants to testify in certain cases, and also to allow defendants to testify in certain actions brought by assignees, when the assignor testifies.....	35	35, 61, 172, 379	379	1106	1107		Stanfield.
4	A bill to exempt property from sale on execution in certain cases therein named, providing who may claim and the manner of appraisalment of property claimed as exempt under the provisions thereof, and repealing an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852....	35	35, 61					Prosser.
5	A bill incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporate name of the township, town or city in which the same is situated; authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city and the trustees of an incorporated town to levy all taxes for schools and the building and repair of school houses, and to repeal all laws inconsistent with this act .....	35	35, 66, 358, 471	471	977	978	996	Stanfield.
6	A bill to amend the second section of an act approved March 7, 1857, entitled "an act to authorize the formation of new counties, and to change county boundaries" .....	36	36, 66, 449, 450, 727					Nebeker & Warren.
7	A bill supplemental to an act entitled "an act concerning interest on money," approved May 27, 1852, and providing for a conventional rate of interest.....	36	36, 66, 175					Sholl.
8	A bill to preserve public buildings, and to punish persons for unlawfully occupying the same.....	36	36, 67, 129					Ritter.
9	A bill to esblish the independent treasury of the State of Indiana, to provide for the safe-keeping and disbursement of the public money of the State, and of the several counties thereof; creating the office of Comptroller of the Treas-							

10	ury, and prescribing the manner of his election, defining his duties, and fixing his compensation; defining the duties of the Treasurer of State, Auditor of State, and other State officers, and the duties of county auditors and treasurers, and other county officers, for the examination of the State and county treasuries, and providing for the punishment of the crime of embezzlement of public moneys, and fixing other penalties for violations of the provisions of this act. A bill establishing a board of sinking fund commissioners, providing for the election and appointment of the officers thereof, and prescribing the powers and duties of said board.....	36	36, 67, 481, 484	63	105	106	133	Jones.
11	A bill to amend the 21st section of an act entitled "an act providing for the organization of county boards, and prescribing some of their duties," approved June 17, 1852.....	41	61, 62	987	333		362	Smith of Perry.
12	A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency....	42	42, 68, 287	130	268	300, 453, 470	537	Cavins.
13	A bill to amend the 2d section, of article 2d, of the constitution of the State of Indiana, so as to confine the qualifications of an elector to every white male citizen of the United States of the age of twenty-one years and upwards who shall have resided in the State during the six months immediately preceding such election, and to vote in the township or precinct wherein he may reside....	42	42, 68, 129			[502, 516]		Martin.
14	A bill amending section 14 of "an act providing for the election of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.....	46	43, 69, 176					Gregory.
15	A bill to amend the 1st and 6th sections of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.....	46	46, 69, 82, 85, 172					Martin.
16	A bill to amend an act entitled "an act to amend the 33d section of an act entitled "an act defining misdemeanors and prescribing punishment thereof," approved June 14, 1852," approved March 7, 1857.....	47	47, 69, 175					Ritter.
17	A bill to prevent the illegal removing of deceased persons, or any part thereof, from public or private burying grounds, and prescribing penalties therefor....	49	49, 70, 74, 202, 385				758	Harney.
18	A bill to repeal an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of the same," approved February 26, 1857.....	54	51, 71, 177, 246					Hamilton of Boone.
19	A bill prohibiting any officer or officers, clerk, deputy, employee or agent of any officer or officers, having in charge or under their control, in any manner any of the public funds of this State, or any county or township of this State, from making any false record or fraudulent entry concerning the same, knowingly, or from embezzling any part thereof, and declaring the same to be a felony, and providing a penalty. Herefor.....	55	55, 71, 561					Turpie.
20	A bill to prevent carrying concealed and dangerous weapons, and to provide punishment therefor.....	55	55, 78, 171, 380					Mellett.
21	A bill providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same. A bill to amend the 1st, 2d and 3rd sections of an act approved May 27, 1852, entitled "an act concerning interest on money".....	55	55, 78, 175, 378	379	710		758	Hamilton of Boone.
22	A bill to legalize the commission of justice of the peace issued to J. B. Osborne, Esq., of Jackson county, and also to legalize his acts under it.....	55	55, 78, 602, 949, 950	950	1062		1148	Scott.
23	A bill to regulate the sale of intoxicating liquors, and prescribing penalties for the violation of the same.....	55	55, 79, 173, 226, 235					Nebeker of Warren.
24		55	55, 137, 311	311	486		540	Early.
		55	57, 137					Robinson.

## BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
25	A bill to amend the 10th section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852	56	56, 137, 238					Griffin.
26	A bill to protect witnesses from insult when on examination before a court or jury	56	56, 137, 224					Treadway.
27	A bill to authorize plank, McAdams and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the power of such consolidated company	56	56, 137, 226, 311	312	710		758	Jeffers.
28	A bill providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the revised statutes of 1852, and for the publication and recording of depositions heretofore taken or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence	56	56, 138, 194, 312	312	933		952	Blythe.
29	A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, and to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act	56	56, 137, 252, 255, 320	325	691	692, 714, 738, 762 1773, 908		Mansfield.
30	A bill to repeal an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852	56	56, 138, 267, 313, 814					Power.
31	A bill to amend the 23d section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852	57	57, 133, 347					Scott.
32	A bill for the redemption of real estate sold on execution or order of sale issued out of any court, and defining the duty of the officer or person selling the same	57	57, 138, 353, 587, 751 [735]					Griffin.
33	A bill to amend section 63 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852	57	57, 139, 171					Nelson.
34	A bill prescribing the manner of empanneling petit jurors, and fixing the number and compensation thereof	57	57, 159, 172, 313 [1058]	1058	1083		1119	Blythe.
35	A bill to regulate the sale of spirituous liquors	57	57, 139, 911, 918, 919	1058	1083			Durham.



36	A bill to amend the 2d section of an act entitled "an act to fix the time of holding the circuit courts in the ninth judicial circuit," approved March 1, 1855.....	57	57, 139, 271, 401	402	532	532	567	Merrifield.
37	A bill to amend section 33 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," so as to provide that no suit against the maker of a written contract, assigned with or without written endorsement, shall be commenced without the county of the maker's residence.....	58	58, 139, 222, 223, 453 [481, 655]					Prosser.
38	A bill to fix the times of holding, and the length of the sessions of the board of township trustees, in the several counties in this State, and to repeal section 11 of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1832.....	58	58, 139					Turpie.
39	A bill to amend the 37th section of chapter 6, 2d vol. revised statutes of 1832, entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1832.....	58	58, 149, 160, 174, 381 [433]					Brotherton.
40	A bill requiring the Auditor of State to pay over money or stocks to the proprietors or stockholders of free banks.....	58	58, 149					Murray.
41	A bill to amend section 9 of an act entitled "an act providing for the election of clerks of the circuit court, and prescribing some of their duties,".....	58	59, 149, 288					Shull.
42	A bill to amend the 21st section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.....	59	59, 140					Dobbins.
43	A bill to suppress tippling houses, to punish drunkenness, and to regulate the sale, barter and giving away of spirituous and malt liquors, wine and cider, and to repeal all laws inconsistent therewith.....	59	59, 140					Austin.
44	A bill to amend section 2 of article 2 of the constitution of the State of Indiana.....	59	59, 140, 176					Kempf.
45	A bill to provide for perpetuating the record of surveys of lands in different counties of this State.....	59	59, 161					Fordyce
46	A bill to repeal an act entitled "an act to provide for the election, fixing the compensation and prescribing the duties of attorney general of the State of Indiana," approved February 21, 1855.....	59	59, 161					Hamilton of Boone.
47	A bill to provide for the organization of circuit courts, the election of judges thereof, defining their powers, and jurisdiction of said courts, and fixing the salaries of said judges, and the number of terms of said courts, and providing for adjourned terms of said courts, and transferring the probate business of the common pleas courts to the circuit court, and repealing all former laws on the subject.....	59	59, 160, 521, 536, 697					Colgrove.
48	A bill to amend the 6th section of "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.....	60	60, 161, 227, 314	314	566		578	Hamilton of Wayne.
49	A bill to authorize the board of commissioners of the several counties through which the Michigan road runs, to reduce the width of the same.....	60	60, 161, 373, 433					Robinson.
50	A bill to amend the 31st section of "an act providing for the election of appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18, 1832.....	60	60, 161, 227, 382					Treadway.
51	A bill to amend the third section of an act entitled "an act containing several provisions regarding landlords and tenants, lessors and lessees," approved May 26, 1832.....	64	64, 161, 225,					Durham.

# BILLS OF THE HOUSE.—Continued.

1196

Number.	TITLES.	Introduced	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom Introduced.
52	A bill to provide for the election and qualification of assessors, and prescribing a part of their duties.....	65	65, 161, 227, 228, 265 [384]					Waterman.
53	A bill to amend the 14th section of "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 18, 1852.....	65	65, 162					Hall of Rush.
54	A bill to prohibit clerks and deputy clerks of the supreme circuit and common pleas courts, from practicing as attorneys or counselors at law in the courts of which they are clerks or deputy clerks, declaring it to be a misdemeanor for the clerks or deputy clerks of the circuit or common pleas courts to refuse to issue summonses and other writs in certain cases, and defining the penalty therefor..	65	65, 162, 245					Stanley.
55	A bill giving clerks of the several circuit courts of this State probate jurisdiction, and defining their powers and duties therein, and fixing their compensation therefor, and to prohibit clerks and their deputies practicing law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act.....	65	65, 162, 521, 536, 557					Colgrove.
56	A bill to repeal an act entitled "an act to establish courts of common pleas, and defining the jurisdiction of, and duties of, and providing for the judges thereof," approved May 14, 1852.....	65	65, 162, 522, 556, 557 [948]					Colgrove.
57	A bill to amend the 74th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 12, 1852.....	65	66, 162, 175, 382	383				Murray.
58	A bill to require the Governor to make his requisition for the apprehension and delivery up of fugitives from justice.....	66	66, 163, 428, 698	698				Martin.
59	A bill to extend to borrowers of sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund, and other funds, time of payment of loans and prescribing the duties of the proper officer in relation thereto.....	66	66, 163, 270, 319, 383 [411, 490]	490	972	992	996	Harrison.
60	A bill to authorize the county commissioners of Grant county to open a settlement with Samuel N. Woolman, and grant any relief due said Woolman.....	59	69, 319	320				Hall of Grant.
61	A bill to regulate the retailing of spirituous and intoxicating liquors, to suppress the evils arising therefrom, fixing penalties for violations of the law, and declaring certain contracts void.....	70	70, 163					Boyd.
62	A bill to amend section 3 of an act entitled "an act to provide for the election, and prescribing certain duties of recorder," approved May 31, 1852.....	92	92, 163, 370					Boyd.

63	A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same .....	92	92, 163				Nebeker of Warren.
64	A bill to prevent the killing or destruction of wild game within the periods therein described, providing penalties for violations thereof, and repealing all laws in conflict therewith. ....	92	92, 163, 372, 561, 564 {699				Hamilton of Boone.
65	A bill to amend section 4 of an act entitled "an act concerning interest on money," approved May 27, 1852, so as to allow the recovery of principal and legal interest on contracts for more than legal interest. ....	92	92, 164, 174, 235, 342 [364				Stanfield.
66	A bill to regulate the business of insurance companies incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all previous enactments in regard to such companies. ....	92	92, 164				Edwards.
67	A bill relative to the contesting of foreign wills and testaments. ....	126	126, 136, 244	245	317	318	Stiles.
68	A bill to repeal an act entitled "an act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers," approved March 9, 1852. ....	129	129, 164, 691				Judiciary committe.
69	A bill to repeal all general laws now in force providing for the incorporation of bridge companies, and to provide for the incorporation of bridge companies, to authorize them to construct, in connection with the bridges, causeways across low bottoms, collect tolls, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate other matters properly connected therewith. ....	134	134, 164, 273, 327	328	969	996	Edwards.
70	A bill to make certain appropriations for the purpose of digging and constructing what is known as the Grand calumet canal or ditch, in Lake county, Indiana, and defining the duty of the swamp land commissioner of Lake county in relation thereto. ....	134	134, 165, 270, 326	327	969	1113	Griffin.
71	A bill defining the qualifications of voters, and requiring evidence of residence, and allowing inspectors of elections to examine them when challenged, upon oath. ....	134	134, 165, 575, 731				Hall of Rush.
72	A bill to amend sections 1 and 2 of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad companies in this State," approved March 1, 1853, and to provide for the manner of service of process. ....	134	135, 165, 374, 433, 561 [623, 740	700	1035	1068	Early.
73	A bill to enable industrious indigent persons, who are unable to give security, to rent lands. ....	135	135, 165, 231				Johnston.
74	A bill to prohibit the circulation of bank bills of a less denomination than five dollars in this State, and fixing the penalty therefor. ....	135	135, 166, 166, 359				Jones.
75	A bill regulating interest on money. ....	135	135, 166, 292				Black.
76	A bill to amend an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852. ....	135	135, 166, 410				Hamilton of Boone.
77	A bill providing for the election or appointment of supervisors of highways, and prescribing the aim of their duties and those of county and township officers in relation thereto, and to repeal all laws conflicting therewith. ....	135	135, 166, 373, 491, 526 [821	824			Massey.
78	A bill to regulate the business of insurance companies not incorporated by the State of Indiana, to punish violators of its provisions, and to repeal all previous enactments in regard to such companies. ....	146	146, 167				Edwards.
79	A bill requiring the county from which a change of venue in a criminal case has been taken, to pay the expenses of such trial to the county in which such trial has been had. ....	146	146, 167, 384			384	Stanfield.



# BILLS OF THE HOUSE.—Continued.

1198

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
80	A bill to provide for sites and places of State houses of refuge for the correction and reformation of juvenile offenders, creating a board of commissioners for the same, defining their duties and powers, and those of certain other officers therein named.....	147	147, 167, 230					Dobbins
81	A bill to prevent the retailing of spirituous, intoxicating and malt liquors, to provide punishment for a violation thereof; also to provide for the duties, compensation and punishment of officers in relation thereto, and to repeal all former laws on the subject of vending spirituous, intoxicating or malt liquors, to A bill to regulate the practice in certain cases appealed to the Supreme Court....	147 147	147, 168 147, 168, 345, 434	434	1015	1015	1056	Hunter. Mellett.
82	A bill to amend section 7 of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852.....	147	147, 168					Stull.
83	A bill to amend sections 10 and 13 of "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.....	147	147, 168, 370					Hartley.
84	A bill for the relief of Peter Shults, of Green county, and releasing to him the interest which the State holds in certain lands.....	147	147, 168, 434	434	969		991	Cavins.
85	A bill for the relief of Jane Walker.....	147	147, 168, 177, 328	328	971	972	996	Parrett.
86	A bill to amend sections 5, 6, 11 and 12, and to repeal section 8 of an act entitled "an act for the more uniform mode of doing township business....."	148	148, 168, 375, 380, 479 [505, 517, 588					Johnston.
87	A bill to amend section 531 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	148	148, 169, 370, 435, 453					Stiles.
88	A bill to amend the 3d section of "an act to incorporate the town of Peru," approved February 14, 1848.....	148	148, 169, 600, 949	949	1095		1119	Smith of Manti.
89	A bill to provide for the election of county prosecuting attorneys, prescribing their duties, defining their power and compensation, and repealing all laws now in force for the election of prosecuting attorneys.....	148	148, 169, 288					Parks.
90	A bill to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas, of certain causes therein named.....	148	148, 169, 499, 701	701	1015	1015	1056	Broderherton.
91	A bill to amend the 18th section of chapter 110 of the first volume of the Revised Statutes of 1852, entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, so as to enable township trustees to settle with supervisors on the fourth Monday in March in place of February..	149	149, 169, 474					Hancock.

93	A bill to amend the 6th section and the 3d clause of the 7th section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852.....	149	149, 170, 409, 491	491	739	740, 851, 873, 961 [998,	1056	Celgrove.
94	A bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.....	176	176, 223, 371, 723	723	1086		1110	Judiciary committee.
95	A bill to legalize the locations, vacations and changes of public highways in this State.....	194	194, 227, 383	383				Prosser.
96	A bill to repeal the second section of an act entitled "an act to authorize the formation of new counties and to change county boundaries," approved March 7, 1852.....	195	195, 233					Hancock.
97	A bill to provide for the election of a superintendent of public printing prescribing his duties, term of office and compensation and repealing all laws conflicting therewith.....	195	195, 234, 329					Ritter.
98	A bill to amend "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18, 1852.....	195	195, 234, 475, 559					Whetzel.
99	A bill to authorize the publication of certain decisions of the Supreme Court and the purchase of 600 copies thereof by the State.....	195	195, 234, 371					Edwards.
100	A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana.....	196	196, 234, 478, 656					Dobbins.
101	A bill to regulate the practice in civil cases in the courts of this State in taking exceptions to the overruling of demurrers.....	196	196, 282, 316, 439	440				Stiles.
102	A bill authorizing all persons to travel upon plank, McAdamized and gravel roads free from toll in going or returning from church or public worship on the Sabbath day.....	196	196, 282, 371, 435					Jeffers.
103	A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," and to legalize certain acknowledged extents therein specified.....	196	196, 282, 292, 440	440	933		952	Early.
104	A bill to amend section 7 of an act entitled "an act to authorize the construction of levees and drains," approved June 2, 1852.....	196	196, 211, 329	723	1015		1008	Stull.
105	A bill to compel owners of town lots to grade and pave sidewalks, and fixing the penalty thereto.....	197	197, 282, 352, 492, 753	754	1014		1055	Jones.
106	A bill to amend the 103d section of an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State.....	197	197, 282					Kelly.
107	A bill to provide that the amount of sinking fund on hand or on loan shall be considered the principal of said fund, and for the payment of the interest on the bank bonds and expenses out of the interest on said fund, and for appropriating the balance to the support of common schools, and repealing all laws contravening the provisions of this act.....							
108	A bill to provide for the protection of wild cranberries growing on the public State and non-residents' lands in this State, and providing penalties for the violation of this act.....	197	197, 283, 353, 487, 508 [635					Waterman
109	A bill to provide for and secure the rights of married women in real estate.....	197	197, 283, 357, 403, 478					Parks
110	A bill to amend the 76th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.....	198	198, 283, 370		994		1019	Cotton.
			198, 283					Hamilton of Boone.

# BILLS OF THE HOUSE.—Continued.

1200

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
111	A bill concerning licenses to keep furries; to vend foreign merchandize; to exhibit any caravan, circus, rope or wire dancing, ledgermain, ventriloquism, puppet show, concert, theatrical performance, or any other exhibition, of what ever name or description; to carry on the business of stock and exchange broker; to regulate the amount of license therefor; to describe the duties herein of the board of county commissioners, the county treasurers and auditors. Justices of the peace and constables and the persons applying for license; relative to the application and issuing of such licenses; the disposal of money arising from such licenses, and the remedies for violations of the provisions of this act.....	198	198, 283					Major.
112	A bill to amend section 9 of an act entitled "an act to enforce the 13th article of the Constitution by providing a penalty for the importation of negroes or mulattoes into the State of Indiana contrary to the provision of said act....."	198	198, 284					Bowman.
113	A bill to amend the 5th section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18, 1852.....	198	198, 284, 294					Mansfield.
114	A bill to prevent the sale, bartering or giving away of mixed or adulterated spirituous, malt or other intoxicating drinks, and to provide penalties and fines for the violation thereof.....	203	203, 276, 359, 758					Temp'ee committee.
115	A bill to repeal an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, saving all proceedings and claims now pending before the township trustees, and transferring the same to the board of county commissioners in the various counties where pending, for the disposition thereof.....	216	217, 284, 476					Hunter.
116	A bill for the more uniform mode of doing township business, and repealing an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.....	217	217, 284, 476, 588					Dobbins.
117	A bill to amend section 15, and to repeat sections 27 to sections 38 inclusive, of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852, so as to give to boards of county commissioners jurisdiction as to the change, laying out, and vacating highways in the respective counties, saving and transferring all proceedings now pending before township trustees, under said sections so repealed, to the board of county commissioners, and providing for the disposition thereof.....	217	217, 284, 534, 958	958	1093		1118	Hunter.



118	A bill to provide penalties and to prescribe punishment for the officers of any banking institution failing to pay deposits or redeem their bills on presentation.....	217	217, 263, 359				Sherman.
119	A bill providing for the distribution of the sinking fund, and defining the duties of the officers therein named, and setting apart and dedicating the same to common school purposes, providing the manner in which the same shall be managed, and providing for the distribution of the interest arising from said fund prior to the distribution of the same.....	217 218	217, 399, 426, 568, 570 218, 285				Colgrove. Claypool.
120	A bill to fix the time for holding the circuit courts in the eighth judicial circuit....	218	218, 285, 356, 575, 667				Scott.
121	A bill to provide for the protection of fish in lakes in this State, and defining the time in which the same may be shot or caught with seines or nets, and declaring the penalty for the violation of this act.....	218	218, 285, 356, 575, 667 [749]				
122	A bill to authorize the holders of unauthorized paper currency to sue for and recover from persons who have issued the same, as for money had and received, without making previous holders parties to the suit, and making such currency evidence of the indebtedness.....	218	218, 285, 519, 813	814	1015	1015	Hunter.
123	A bill concerning interest on money and prescribing penalties for violations of the provisions thereof, and repealing all laws in conflict therewith.....	219	219, 329, 342, 364				Martin.
124	A bill to prohibit the throwing of carion or dead animals into running streams, and prescribing the penalty for the violation thereof.....	220	220, 330, 373, 751	751	995		Whetzel.
125	A bill to prevent persons from riding, leading or driving any kind of animal or animals upon the track or embankment of railroads, or driving wagons or carriages thereon, except as herein provided, and prescribing penalties for violations thereof.....	220	220, 331, 560, 751, 807				Hunter.
126	A bill to amend section 2, of chapter 5, of an act entitled "an act providing for the election of clerks of the circuit court, and prescribing some of their duties," in 2d vol. Revised Statutes, part first, concerning the organization of courts, providing for the election of their officers and prescribing their general duties, and to repeal certain laws herein named.....	220	220, 331, 348				Parks.
127	A bill to provide for the conveyance of real estate by any person or persons claiming right or title thereto.....	220	220, 331, 520				Colgrove.
128	A bill to regulate the practice of the supreme court in the construction and interpretation of bills of exceptions set forth in transcripts.....	220	220, 331, 503, 728, 748	748			Stiles
129	A bill touching pleadings in abatement and dilatory defenses in civil actions.....	221	221, 331, 352, 726, 1089	1090			Clements.
130	A bill to authorize the board of commissioners in the several counties in this State to abolish all road districts, and parts of road districts, within the limits of incorporated towns in their respective counties, and to place the road work and road tax under the control of the council of such towns.....	221 221	221, 338, 495, 624, 721 221, 332, 352, 438	722 439	995 771	771	Colgrove. Brotherton.
131	A bill to secure dues from private corporations.....	221	221, 332, 420				Massey.
132	A bill to amend an act entitled "an act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7, 1852, amending sections 48 and 50, and repealing section 49 of said act.....	221	221, 332, 420				
133	A bill supplemental to an act entitled "an act to amend the 65th and 66th sections of 'an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement,' approved June 17, 1852, and supplemental thereto," approved February 20, 1855.....	222	222, 332, 441	441			Judiciary committee.

## BILLS OF THE HOUSE.—Continued.

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
134	A bill to amend the 1st section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.	251	251, 265, 430, 736, 753	753	900		940	Baird.
135	A bill dispensing with the giving of a bond by an executor or executrix, as a condition to the granting of letters testamentary, when the testator shall have declared in any last will or codicil that the person appointed by such will or codicil might execute the same without giving such bond.	251	251, 389, 404, 724					Edwards.
136	A bill for the protection of sidewalks in towns and villages, and for the preservation of shade trees planted along the same.	252	252, 389, 473, 754	754	995		1018	Boyd.
137	A bill to amend the 24th section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852, and adding an additional section legalizing conveyances heretofore made by married women under the age of twenty-one years.	252	252, 389, 407, 473, 585					Cotton.
138	A bill declaratory of the meaning of the 1st section of an act entitled "an act prescribing whom may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May, 31, 1852, and to legalize all wills made by married women, in pursuance of said act, since the taking effect thereof.	252	252, 390, 409, 755	755	995			Blythe.
139	A bill to amend the 29th section, of the 5th article, of chapter 1, part first, of the Revised Statutes of 1852.	259	259, 391, 405, 725					Davis.
140	A bill to amend part of section 2, and to amend section 4 of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, and to repeal all conflicting laws.	260	260, 390, 527					Parks.
141	A bill to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them.	260	260, 391, 503, 866	867	1103		1118	Edwards.
142	A bill to authorize the board of county commissioners of the several counties in this State to make such an allowance out of the county treasury of their respective counties as will indemnify the owners of property for loss sustained by the taking, conveying away or destruction of such property by any officer under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all acts inconsistent therewith, and for the suppression of intemperance," approved February 14, 1852, and to reimburse the							

143	officers named in said act, who, in good faith, have executed the provisions thereof, and have been subject to loss thereby.....	260	260, 359, 406, 494, 507 [581]	582	995	1019	Davis.
144	A bill to legalize the appraisal and assessment of property in cities of this State, and the making out and delivery of the tax duplicate in cities of this State, incorporated under the act of 1857.....	260	260, 391, 447, 632	632	995	1019	Hamilton of Boone.
145	A bill to authorize railroad companies to issue bonds, fix the rate of interest thereon, to sell or exchange the same, and to secure the payment thereof, and to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchaser or purchasers; to provide for a new stock, the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities.....	260	261, 391, 397, 504, 755	756			Snyder.
146	A bill to provide additional securities to the bondholder and the people of the State in the issuing certificates of stock for the original bonds of the State.....	261	261, 533, 552				Smith of Perry.
147	A bill to amend the 22d section of an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852.....	261	261, 332, 355				Blythe.
148	A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of its shares, and to issue certificates therefor.....	261	261, 330, 345, 432	432	1086	1112	Mansfield.
149	A bill to amend section 18 and 19 of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852.....	261	261, 390, 405				Black.
150	A bill amendatory of "an act concerning the partition of lands," approved May 20, 1852, to amend sections 11 and 12 thereof.....	261	261, 392, 406, 819	819			Black.
151	A bill to amend sections 44, 152, 173, 199, 322 and 638 of an act entitled "an act to revise, simplify any abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	261	262, 392, 498, 756	756			Stanfield.
152	A bill to repeal the 15th section of an act entitled "an act concerning promissory notes and bills of exchange.....	262	262, 393, 601, 732				Whiteman.
153	A bill to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for admissibility in evidence of the same, or copies thereof.....	262	262, 393, 411, 726	727	1094	1110	Davis.
154	A bill to amend the 34th section, of the 46th chapter, of volume 1, of the Revised Statutes of 1852, entitled "an act to provide for opening, vacating and changing of public highways," approved June 17, 1852, and establishing the width of township highways.....	262	263, 393, 455				Hancock.
155	A bill fixing the time of holding the circuit court in the third judicial circuit.....	263	263, 390				Eastham.
156	A bill providing for the taxation and collection of docket fees in all civil actions in the circuit or common pleas court.....	263	263, 393, 503				Claypool
157	A bill authorizing appeals from the circuit courts to the supreme court in contested election cases.....	263	263, 394, 408, 797	797		933	Harrison.
	A bill securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings and the earnings of their minor children in certain cases.....	263	263, 393, 505, 523				Boyd.



Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
158	A bill to provide for the management and disposal of the estates of persons who have mysteriously disappeared or who have deserted their families, without having made any legal provision for the care of such estates and the support of their families.	263	263, 332, 432, 792	792	1077	1077	1111	Beird. Siles.
159	A bill to regulate the descent of the wife's personal property on her death.	263	263, 393, 504					
160	A bill to amend the 1st section of an act entitled "an act providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished," approved February 12, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same.							
161	A bill to repeal an act entitled "an act providing for the colonization of negroes mulattoes and their descendants, and appropriating \$5,000 therefor, constituting a State board of colonization, declaring the duties of said board, and of State Treasurer and county treasurer in relation thereto," approved April 28, 1852.	263	264, 394, 521, 757	758				Davis.
162	A bill to amend section 4 of an act entitled "an act to provide for the election and certain of the duties of prosecuting and district attorneys."	264	264, 394, 425, 542					Parks.
163	A bill to regulate the collection of judgments and the sale of property on execution against sheriffs, constables or other public officer, administrator, guardian, executor or any other person or corporation receiving or holding money in a fiduciary capacity, or the sureties of a jury or either of them.	264	264, 394, 599					Harvey.
164	A bill to repeal the 36th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," and to repeal all laws coming in conflict with this act.	264	264, 394, 552					Melle't.
165	A bill to amend the 18th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.	264	264, 395, 405					Parks.
166	A bill to authorize parties to civil actions to be sworn and to testify as witnesses therein.	264	264, 395, 410, 818	818	1094		1111	Gregory.
167	A bill to provide for the fees of sheriffs conveying convicts to the State prison, and providing punishment for violations hereof, to repeal all laws in conflict herewith.	275	275, 395, 410					Dougherty.
		275	275, 395, 401, 759	759	1102		1118	Hunter.



# BILLS OF THE HOUSE.—Continued.

1206

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
183	A bill to authorize county auditors to collect moneys belonging to common school fund by suit or otherwise, and providing compensation for his services, also to provide punishment for a failure to perform any duties required therein.....							
184	A bill providing for the compensation of county assessors.....	309	309, 398, 814	814				Hunter.
185	A bill to amend section 4 of an act entitled "an act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1852, and to repeal all laws conflicting with the provisions of this act.....	3 9	309, 398					Prosser.
186	A bill to amend section 163 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1853.....	309	309, 398, 577					Parks.
187	A bill to amend an act approved February 28, 1855, entitled "an act to amend the act entitled an act to authorize the construction of plank, McAdamized and gravel roads, and to empower the same to make sale of a portion of their roads," so as to give the right of any corporation that has bought or that may hereafter buy any of the above named roads to do the business of such road in the corporate name of the buyer, and also to amend so as to reduce the tariff of tolls.							Mellet.
188	A bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 31, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act.....	310	310, 398, 672					Nebeker of Warren.
189	A bill supplemental to an act entitled "an act to establish courts of common pleas, and defuting the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14, 1852.....	310	310, 396, 449	1094			1148	Smith of Perry.
190	A bill to amend sections 11 and 12 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14, 1852.....	310	310, 399, 503					Hunter.
191	A bill to authorize jurors to be summoned from an adjoining county to try criminal causes in certain cases, and providing compensation for their services.....	310	310, 399, 457, 554					Hunter.
192	A bill defining certain felonies and misdemeanors and prescribing punishment therefor, and providing for certain evidence on the part of the State.....	310	310, 400, 555, 959 [631, 645, 739]					[Means.
193	A bill relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries.....	348	348, 351, 484, 530, 570 [927, 934, 943]					Com. on Ways and
194	A bill to provide for the election and duties of a Comptroller of State.....	349	[631, 645, 739, 843, 349, 350, 484, 530, 570]	947	1102		1119	[Means. Com. on Ways and Com. on Ways and [Means.





Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom Introduced.
211	A bill to amend the 21, 3d, 4th, 7th, 8th and 9th sections of an act entitled "an act regulating the fees of officers and repealing former acts in relation thereto."	442	442, 677, 802					Devol.
212	A bill prescribing part of the duties of county auditors and treasurers, township clerks and supervisors of roads, in relation to road tax, and to provide a penalty for any failure on the part of said officers to discharge their duties as required in this act.	442	442, 512, 783					Waterman.
213	A bill to amend the 23d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State."	442	442, 595, 784					Hartley.
214	A bill to amend section 441 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, so as to compel the sheriff having an execution issued on a judgment less than one hundred dollars, exclusive of accruing interest and cost, to levy the same on real estate designated by the judgment debtor.	442	442					Durham.
215	A bill to provide for locating and working highways situated upon county lines.	442	442, 442, 535, 959, 959	959	995		1018	Fordyce Kempf.
216	A bill to prohibit intermarriage of consanguinity.	442	442, 562					Stanfield.
217	A bill in relation to the levy of an execution or attachment on partnership property for the individual debt of one partner.	442	442, 562					
218	A bill to fix the time for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and to repeal all laws or parts of laws inconsistent with this act.	443	443, 497, 795	795				
219	A bill for the relief of Ira O. Dibble.	443	443, 500, 955	955	1044		1110	Murray Griffin.
220	A bill to amend the title and section 1 of an act entitled "an act to vest certain rights in married women whose husbands have left the State without making suitable provision for their maintenance, or whose husbands are confined in the State prison," approved March 4, 1857.	443	443, 539, 581					Shields.
221	A bill fixing the time of holding the circuit courts in the 12th judicial circuit, regulating the terms thereof, and repealing all laws inconsistent therewith.	443	443, 554					Snyder.
222	A bill to amend section 42 of an act entitled "an act to establish the courts of common pleas, and defining the jurisdiction and duties of and providing com-	443	443, 797	797	951		940	

923	pensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof.....	443	443, 576, 847	848	1105	1148	Cavins.
	A bill to amend section 1 of an act entitled "an act to provide for the selection and empaneling of petit jurors in the courts of common pleas, and providing compensation therefor, being supplemental to an act entitled 'an act prescribing the manner of empaneling petit jurors, the number and compensation thereof,' approved May 20, 1852," approved March 1, 1853," so as to prescribe the time when said jurors shall be empaneled.....	443	444, 576, 848	848	1102	1119	Cavins.
924	A bill to prevent the spread of the Canada thistle; prescribing penalties for suffering the same to mature upon cultivated farms and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed....	444	444, 603, 785	786	900	940	Wildman.
925	A bill to amend the 94th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State,".....	444	444, 534, 798	798			Knowlton.
926	A bill to amend section 8 of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852.....	444	444, 956	956	1094	1111	Martin.
927	A bill to amend an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares, and grounds or any part thereof, the making out and recording of plats of such towns, providing for the changing of the names of such towns," approved May 20, 1852.....	444	444, 475, 782	783			Harney.
928	A bill to provide for the collection of the surplus revenue fund belonging to the counties of Dekalb, Lake and Wells, on loan at the State Treasury, and for the payment of said fund over to the treasurers of said counties.....	444	444, 480, 783	783	1106	1148	Watrman.
929	A bill to amend the 76th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.....	445	445, 509, 796				Snyder.
930	A bill to amend section 113 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852....	445	445, 475				Major
931	A bill prescribing the duties of parties commencing, prosecuting or defending suits of action in the circuit or common pleas courts of this State.....	445	445, 554				Knowlton.
932	A bill to amend the 10th section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.....	445	445, 552				Hamilton of Boone.
933	A bill to amend the 3rd section of an act entitled "an act providing for the election and providing certain duties of county surveyors," approved June 17, 1852.....	445	445, 796	796			Hamilton of Boone.
934	A bill to provide for taking appeals from the decisions of officers having charge of common schools or school funds, in relation to said schools or funds, to the proper county auditor, and to provide for the repeal of all laws coming in conflict with this act.....	445	446, 1029, 1065	1065	1106	1148	Waterma.
935	A bill to amend the 6th section of an act entitled "an act in relation to county auditors," approved May 11, 1852, and to add an additional section thereto, authorizing the county auditors to use the seal of the county commissioners for certain purposes.....	446	446, 533				Usrey.



## BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings	Approved.	By whom introduced.
236	A bill fixing the time for holding the common pleas courts in the counties of Warren, Benton and Jasper, regulating the terms thereof, and repealing all laws inconsistent therewith.	446	446, 532					Snyder.
237	A bill to amend an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.	446	446, 499					Murray.
238	A bill to authorize the erection of houses of refuge, titled "Magdalene Asylums," for penitent prostitutes.	446	446, 536, 603					Kempf.
239	A bill requiring jury cases to be tried first in the courts of this State, and requiring that the regular pannel be discharged as soon as such jury cases are disposed of, and to provide for the summoning of juries from the bystanders in certain cases.	446	446, 553					Waterman.
240	A bill to amend the 13th section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases".	446	446, 554					Knowlton.
241	A bill to amend the 97th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	447	447, 555					Murray.
242	A bill regulating the fees and salaries of certain officers therein named, fixing their compensation for certain duties imposed upon them by law, and repealing former acts and laws in relation thereto.	474	474, 537, 568					Hamilton of Boone.
243	A bill to amend an act entitled "an act defining felonies and prescribing punishment therefor."	487	487, 537					Turpie.
244	A bill to amend the 23d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852.	501	501, 537, 661					Com. on agriculture.
245	A bill to authorize deeds and mortgages heretofore acknowledged before county auditors to be recorded, and authorizing the same, and also the record thereof to be read in evidence, making such record notice to third persons, and making such conveyance valid.	508	508, 553, 957	957	1096		1148	Parrett.

246	A bill surrendering to the Wabash and Erie Canal all the rights that the State has to redeem the Wabash and Erie Canal, and all rights of reversion therein. ....	510	510, 511, 544, 653		Colgrove.
247	A bill to provide for the enlargement of the State prison, and providing duties of officers in relation thereto, and punishments for the violation thereof, and making appropriations for the enlargement thereof. ....	517	517, 537, 636		Hunter.
248	A bill supplementary to an act to authorize and regulate the business of general banking, approved March 3, 1855, authorizing the Auditor and Treasurer of the State to surrender the securities and moneys deposited in certain cases. ....	528	528, 542, 567, 576, 961		Mellet.
249	A bill to change the time of holding the common pleas court in St. Joseph, Marshall and Starke counties, and the length of the terms therein. ....	528	528, 543, 584	585	Stanfield.
250	A bill to compel county boards to declare all roads that have been heretofore surveyed and located, as herein mentioned, which pass through one or more counties, public highways, and prescribing the duties of said boards, and the county auditors of said county or counties. ....	528	528, 543		Shields.
251	A bill relative to conveyances made to purchasers of lands sold by executors, administrators or guardians. ....	528	528, 543, 593		Davis.
252	A bill amending section 9 and repealing section 7 of an act entitled "an act to incorporate the South Bend Manufacturing Company," approved Dec. 24, 1842. ....	528	528, 543		Stanfield.
253	A bill to provide for transferring real estate for taxation on the books of county auditors, and preserving the chain of title thereof in the recorder's office, in certain cases therein provided for. ....	529	529, 543, 794	794	Nelson.
254	A bill making the register of Michigan road lands, and certified copies of entries, evidence, and declaring the effect thereof, and making the record of patents and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof. ....	529	529, 543, 960	960	Stanfield
255	A bill to abolish the complete record in all cases in which the same is now required by law to be made in the supreme court. ....	529	529, 544, 793, 794	794	Davis.
256	A bill to amend the 71st section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852. ....	529	529, 544, 793	793	Colgrove.
257	A bill to provide for the organization of new counties, and for the representation thereof, and for the administration of justice therein. ....	529	529, 544, 790, 885, 888, 999, 1037		Snyder.
258	A bill to repeal the 5th section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this State, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed," approved February 23, 1853. ....	529	530, 544, 799	799	Davis.
259	A bill to amend the 32d section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1853. ....	530	530, 550, 593		Parrett.
260	A bill to provide for paying witnesses fees out of the county treasury in certain criminal cases, and prescribing the duties of clerks and sheriffs in cases of conviction, for the collection of costs. ....	530	530, 544		Waterman.
261	A bill to amend section 77 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice", without distinction between law and equity," approved June 18, 1852, so as to prevent sham pleading. ....	530	530, 547, 729		Stanfield.

# BILLS OF THE HOUSE.—Continued.

1212

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced
262	A bill to repeal "an act to prevent railroad companies from changing their depots except on conditions therein named," approved March 4, 1853.....	530	530, 549, 790	791	1102		1117	Davis.
263	A bill to amend section 37 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1853, so as to define other misdemeanors and to prescribe the punishment therefor.....	530	530, 550, 586, 948					Cavira.
264	A bill to amend the 34th section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases",.....	531	531, 549					Farrett.
265	A bill to amend sections 8 and 11 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 11, 1852.....	539	539, 549, 720					Hamilton of Boone.
266	A bill to provide for the transfer from the court of common pleas to the circuit court in certain cases wherein the court of common pleas has no jurisdiction.....	540	540, 549, 600, 790	790				Brotherton.
267	A bill prescribing the time of holding and the length of the terms of the courts in the third judicial circuit.....	547	547, 645, 665, 789	789	901	947	952	Clements.
268	A bill prescribing the time of holding the courts of common pleas in the several counties therein named.....	547	547, 646, 666, 788	789	865			Clements.
269	A bill concerning enclosures, trespassing animals, fences inclosing railroads connecting therewith and on the land of any railroad company.....	547	547, 670, 808, 812					Edwards.
270	A bill declaring it to be a misdemeanor to break down, open or remove any fence or enclosure of any railroad, and prescribing the penalty therefor.....	548	548, 670, 730	731				Edwards.
271	A bill making it a felony to cut down, or to cut down and carry away any standing timber, in certain cases therein named, and to prescribe a punishment therefor.....	548	548, 670, 720					Snyder.
272	A bill defining the meaning of the word "fence," as used in an act entitled "an act concerning enclosures, trespassing animals, and partition fences," approved June 4, 1852.....	548	548, 670, 719, 787	788				Stanfield.
273	A bill to legalize changes in highways made by railroad companies in this State.....	550	550, 668, 690					Merrifield.
274	A bill to provide for the care of and enclosure of square number twenty-five in the city of Indianapolis, providing for its use as a site for a State House, and providing for the use of the present State House and adjoining grounds for a State University.....	551	551, 670, 730					Cotton.
275	A bill authorizing and directing the State Librarian to furnish the warden of the State Prison the supreme court reports, the laws and the documentary journals.....	551	551, 671, 731					Davis.



276	A bill to amend section 5 of an act entitled "an act to organize the supreme court and prescribing certain duties of the judges thereof," approved May 13, 1852.....	551	551, 671, 791	791	Gordon.	
277	A bill to amend section 8 of "an act to regulate the fees of officers, and repealing former acts in relation thereto," approved March 2, 1853.....	552	552, 671, 738, 1089		Waterman.	
278	A bill fixing the times of holding courts in the Eleventh Judicial Circuit, and prescribing the length thereof in each county thereof.....	578	578, 594, 597, 805		Knowlton.	
279	A bill to empower plank road companies to sell and convey their real and personal estate.....	579	579, 668, 906	906	Parrett.	
280	A bill to give the custody and control of the records and papers of the former probate courts of the different counties in this State to the clerks of the courts of common pleas, and authorize the clerks of the common pleas to make and certify transcripts of the same.....	579	579, 668, 719	1066	Stanfield.	
281	A bill providing for the incorporation of canal companies.....	579	579, 668, 730, 1066	1083	Blythe.	
282	A bill concerning the sinking fund and its management, and prescribing the duties of the sinking fund board and its officers.....	581	581, 668, 863	864	Com. Sinking Fund	
283	A bill revising the 35th section of the 1st chapter of the Revised Code of 1852, prescribing where suit may be brought in certain cases therein named.....	581	581, 669, 868, 871		Com. Sinking Fund.	
284	A bill establishing fees for duties performed in the sinking fund office and in connection therewith.....	581	581, 669, 869	869	Com. Sinking Fund.	
285	A bill authorizing the redemption of lands mortgaged or that may be mortgaged to the sinking fund or other trust funds, and the re-instating of mortgages in certain cases therein named, and to provide a remedy against bidders failing to comply with the terms of sale in cases of land sold by the sinking fund commissioners.....	581	581, 669, 869	870	Com Sinking Fund.	
286	A bill to fix the price that shall be paid for printing notices required by law, and defining penalties for a violation thereof.....	585	585, 669		Select Committee.	
287	A bill providing for the extension of the buildings of the Hospital for the Insane, and authorizing a loan of money for that purpose.....	585	585, 669, 890, 1001	1001	Devol.	
288	A bill authorizing the payment of a reward for the discovery of the cause of the disease commonly known as "milk sickness,".....	585	585, 669, 890		Jones.	
289	A bill to amend section 20 of an act entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852.....	586	586, 669, 732		Prosser.	
290	A bill to repeal the 6th section of an act entitled "an act concerning promissory notes and bills of exchange,".....	587	587, 670, 720		Snyder.	
291	A bill to provide the mode of taxing the Bank of the State of Indiana, to repeal the 15th section of its charter, and to prohibit said bank from issuing on its deposits.....	596	597, 777		Prosser.	
292	A bill requiring preference to be given to graduates of the Institution for the education of the Blind, and for the Deaf and Dumb desiring employment in said Institutions.....	598	598, 670, 732		Com. on Benevolent [Institutions.	
293	A bill fixing the time and mode of electing State Printer, defining his duties, fixing compensation and repealing all laws coming in conflict with this act.....	604	604, 672, 770, 830, 885	927	Select Committee.	
294	A bill providing for the construction of a State prison at _____, in this State.....	641	641, 671, 743	[926	Dobbins.	
295	A bill to provide for the erection of an additional State prison and making an appropriation therefor, and making it a felony to violate certain provisions thereof, and prescribing punishment therefor.....	644	644, 671, 743, 747, 842	905	Select Committee	
				1014	1015	1118

## BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
296	A bill to provide for the extension of the buildings of the State prison at Jeffersonville.....	644	644, 671, 743					Eastham.
297	A bill to provide for the erection of a building for the officers of State.....	656	656, 706, 832, 987					Com. of Ways and
298	A bill to provide for laying out and repairing highways upon the line between Indiana and other States.....	661	661, 706, 858, 898	898	1102		1117	Com. on Roads.
299	A bill to authorize donations to be made to the State by any person or municipal corporation for building or enlarging benevolent institutions, or for the use or benefit of common schools.....	663	663, 706, 870	871				Harney.
300	A bill providing that certain notices of public sales and other legal notices therein named, shall be published in some newspaper printed at the county seat of the county wherein such notices are to be given in all cases where a newspaper of general circulation is published at such county seat.....	663	663, 706, 721, 799	799				Early.
301	A bill to repeal so much of the law for the collection of taxes as requires county treasurers to attend at the place of holding elections for that purpose.....	663	663, 706, 889					Murray.
302	A bill regulating the public printing of the State of Indiana and fixing the compensation therefor and prescribing the duties of certain officers therein named..	663	664, 707, 763					Bowman.
303	A bill supplementary to the 15th article of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize attachments in certain cases.....	664	664, 764, 1046					Davis.
304	A bill supplementary to an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852.....	664	664, 764, 806, 999	1000	1106		1118	Dobbins.
305	A bill establishing the salaries of public officers and prescribing the means of paying the same.....	664	664, 764					Merrifield.
306	A bill for the relief of John M. Sherry.....	665	665, 764, 896	897	1103		1118	Brotherton.
307	A bill providing for the repayment of State taxes illegally assessed and collected for 1857, and paid into the State Treasury.....	667	667, 764					Major.
308	A bill to encourage the preservation of sheep, and taxing dogs, and for other purposes.....	667	667, 765, 850					Com. on Agriculture
309	A bill to repeal an act entitled "an act to provide for the election, fixing the compensation, and prescribing the duties of attorney general of the State of Indiana," approved February 21, 1855.....	668	668, 765, 1036, 1037					Martin.

310	A bill to regulate the practice of medicine and surgery.....	703	703, 765, 805	Collier.
311	A bill to amend the 15th section of an act entitled "an act defining felonies, and prescribing punishment therefor....."	703	703, 765	Austin.
312	A bill to prohibit unqualified persons to practice the science of medicine and surgery, and the pharmaceutical art.....	703	703, 765, 805	Kempf.
313	A bill fixing the salaries of the trustees of the Wabash and Erie canal.....	704	704, 765, 809	Clements.
314	A bill to repeal the 73d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.....	704	704, 765, 807	Carr.
315	A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity".....	704	704, 766, 859	Turpie.
316	A bill to fix the time of holding courts of common pleas in the counties of Steuben and DeKalb, and to repeal all laws heretofore passed on that subject.....	704	704, 766	Waterman.
317	A bill to prescribe punishment for the failure of any auditor, treasurer, clerk or recorder of any county within this State, to perform the duties required by law.....	705	705, 766, 858	Hunter.
318	A bill amending section 12 of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.....	738	738, 830	Com. on fees and salaries.
319	A bill to enable forwarding and commission merchants, common carriers, and consignees to enforce liens on property unclaimed.....	741	741, 831	Stanfield.
320	A bill declaring it to be a misdemeanor to obstruct any street or alley in any incorporated town, and prescribing the penalty therefor.....	741	741, 830, 858	Tebbs.
321	A bill regulating the rates of exchange chargeable in certain cases herein named, and declaring it usury to take or charge exchange contrary to the provisions thereof, by any bank, individual or corporation.....	741	741, 809, 1072	Dougherty.
322	A bill to authorize the State Board of Agriculture to make a geological reconnaissance of the State, to make collections and analysis of specimens, and making appropriations therefor.....	742	742, 831, 847, 1168	Treadway.
323	A bill to authorize married women over eighteen and under twenty-one years of age, to unite with the husband in conveying or mortgaging his real estate, with the approval of a guardian, where the wife has neither father nor mother residing in this State.....	743	748, 830, 856	Edwards.
324	A bill to declare the stream of Laughery creek a navigable one from its confluence with the Ohio river to the town of Hartford, in Ohio county.....	770	770, 824, 849	Gregory.
325	A bill to fix the time of holding the Cass court of common pleas.....	770	770, 825, 957	Knowlton.
326	A bill to regulate the mode of providing county officers with blank books and stationery.....	771	771, 831	Bowman.
327	A bill to amend section 7 of an act entitled "an act to incorporate the Ohio and Indianapolis Railroad Company," approved January 20, 1845, so as to change the number of directors.....	772	772, 831	Carr.
328	A bill to amend the 143d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	772	772, 831, 989	Austin.
			989	1035



## BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.		By whom Introduced.
						Approved.	Referred to Committee.	
329	A bill requiring engineers to stop their locomotives and trains, running on any railroad, at each passenger station, there to remain without motion while persons are getting on and off the trains, and prescribing punishment for the violations thereof.....	773	773, 832					Major.
330	A bill to accept the proposition of Congress in relation to Agricultural Colleges, to select land and a suitable site for the location of the college, and making an appropriation therefor.....	773	773, 832, 1036					Knowlton.
331	A bill to amend an act entitled "an act to amend the 2d section of an act entitled 'in act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12, 1853, so as to authorize the formation of ferry companies," approved February 16, 1857.....	773	773, 830					Branham.
332	A bill to amend the 11th section of an act entitled "an act providing for the election of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,".....	802	802, 980, 1012					Hartley.
333	A bill accepting on the part of the State of Indiana of lands donated to said State, in an act of Congress donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts, and providing for a notice being given by the Governor of the State to the Secretary of the Interior.....	804	804, 980					Com. on agriculture.
334	A bill defining the duties of the Auditor and Treasurer of State in the management and safe-keeping of a trust arising from a donation of land by the Congress of the United States for maintaining colleges of agricultural and mechanic arts, and providing for the election of a board of regents for the government of such institution, and defining their powers and duties.....	804 834	804, 980 834, 980, 1045					Com. on agriculture. Smith of Perry.
335	A bill to authorize the sale of certain lots in the town of Indianapolis.....	885	885, 980					Com. on fees and salaries.
336	A bill prescribing the duties, of clerks, justices, auditors and treasurers in reference to jury fees, fines, forfeitures and unclaimed fees, and repealing all laws in conflict herewith.....							
337	A bill to repeal the latter clause of the 5th section of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, and to revise the 25th section of an act entitled "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 19, 1852.....	921	922, 968, 987	988	1105			Nebeker of War en.
338	A bill making general appropriations for the years 1859 and 1860, and the first quarter of the year 1861.....	926	926, 968, 984	984	1087	1087		Branham.

339	A bill to provide for the sale of the certificates of stock in the State debt sinking fund, and the appropriation of the proceeds thereof to the payment of interest on the State debt and of the current expenses of the State.....	936	926, 967, 986	986	1035		Smith of Perry.
340	A bill prescribing the time of holding the circuit court in the county of Sullivan, and to repeal all laws in conflict with this act.....	927	927, 960, 997	997	1009	1056	Usrey.
341	A bill making specific appropriations for the year A. D. 1859.....	962	962, 985, 992	993	1091	1147	Branham.
342	A bill to prevent the obstruction of justice by fraudulent or by bidders at sheriffs' sales.....	971	971			1108	Hamilton of Wayde.
343	A bill prescribing the duties of county auditors, and in relation to fines, forfeitures, unclaimed fees, court and docket fees, and the collection thereof.....	971	971				Dougherty.
344	A bill to fix the times of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas court returnable to such terms, and declaring when this act shall take effect, and repealing all laws in consistent therewith.....	981	981	982	1058	1111	Staunfield.
345	A bill fixing the time of holding the courts of common pleas in the counties of Morgan, Monroe and Brown, and repealing all acts inconsistent therewith.....	1027	1027, 1059, 1084				Hunter.

# JOINT RESOLUTIONS OF THE HOUSE.

1218

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	By whom introduced.
1	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law giving pensions to the soldiers of the war of 1812.....	35	35, 70, 229	229	1116		Darham.
2	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act granting lands for agricultural colleges.....	47	47, 71, 239	230			Waterman.
3	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of such laws as will result in the location of an armory at the falls of the Ohio river, on the Indiana side.....	49	49, 71, 223	224			Hunter.
4	A joint resolution prescribing the manner of electing a State printer.....	65	65				Collier.
5	A joint resolution favorable to the passage by Congress of a homestead law.....	84	84	84			Stiles.
6	A joint resolution authorizing the addition of a number of German books to township libraries, where the number of German voters of such township would justify so doing.....	84	84	85			Kempf.
7	A joint resolution expressing the sense of this General Assembly on the distribution of the common school funds.....	85	85				Shull.
8	A joint resolution creating a joint committee, to whom shall be referred petitions, &c., on agriculture and geological surveys.....	90	90	90	178		Smith of Perry.
9	A joint resolution on the subject of an appropriation by the Federal Government for the improvement of Michigan City harbor.....	90	90	91			Sherman.
10	A joint resolution on the subject of the admission of Oregon and Kansas into the Union.....	91	91	91			Murray.
11	A joint resolution on the subject of the "English bill".....	189	189				Shields.
12	A joint resolution on the subject of admitting Kansas into the Union.....	191	191				Davis.
13	A joint resolution on the subject of admitting Kansas into the Union.....	192	192, 199, 200				Dougherty.
14	A joint resolution relative to the construction of a new canal at the falls of the Ohio river.....	193	193	193	317		Carr.
15	A joint resolution in relation to making a demand on the General Government for rent for the use of the Capitol for holding the Federal Courts, and also for fuel and light furnished for the years 1856 to 1858 inclusive.....	215	215	215	1099		Hunter.
16	A joint resolution proposing to amend the constitution of the State of Indiana, so as to allow two county offices to be held by one person.....	215	215, 372				Waterman.
17	A joint resolution on the subject of the Wabash and Erie canal.....	269	269, 508, 509				Murray.
	A joint resolution instructing the Attorney General of Indiana to institute the						



18	proper legal proceedings to recover all moneys that have been illegally paid to the clerk of the Supreme Court out of the Treasury of State.....	300	300			expenditures. Committee on public
19	A joint resolution instructing our Senators and requesting our Representatives in Congress to vote against an increase of letter postage, and also to use their influence to abolish the franking privilege.....	304	304	304		Dougherty.
20	A joint resolution instructing our Senators and requesting our Representatives in Congress to vote for the admission of Kansas into the Union, without regard to the local provisions of her constitution.....	304	305	306		Cavins.
21	A joint resolution in relation to the next session of the General Assembly of the Presbyterian Church.....	362	362	363		Stanfield.
22	A joint resolution directing the Governor of the State to require the Attorney General to examine into the accounts of moneys drawn from the treasury by the last three Secretaries of State, and to institute suits thereon.....	620	620			expenditures. Committee on public
23	A joint resolution directing the Auditor of State to furnish the Attorney General with a statement of the amount due to the State from certain individuals.....	803	803			Nebecker of Warren.
24	A joint resolution asking Congress to pay to Indiana the three per cent. fund, withheld from it, and to authorize the Secretary of the Treasury, or other proper officer to surrender the bonds, held by the United States, of this State, and to receive certificates of stock therefor.....	895	895			expenditures. Committee on public
25	A joint resolution in relation to the settlement, adjustment, and collection of the dues to the State from various officers and persons indebted thereto.....	907	907	907	1106	Judiciary committee.
26	A joint resolution for the purpose of appointing a commissioner to hear and determine certain matters therein named, and to provide for the payment of any sum that may be awarded therein.....	980	980			[Fairs of State prison Committee on the ad-
27	A joint resolution to give to the city of Indianapolis the possession of block No. 25, in said city for a park, until the State shall require it for the purpose of the original dedication.....	993	994, 997, 1051	1052		Gordon.
	A joint resolution in regard to the claim of John P. Dunn and Jeremiah D. Skeen, against the State of Indiana, and authorizing the appointment of three commissioners to investigate said claim, and to allow the same if they should find it just, and providing for the payment of the amount the commissioners may find due to said Dunn and Skeen.....	1100	1100			Sherman.

# BILLS OF THE SENATE.

1220

Number.	TITLES.	Reported from Senate.	Proceedings thereon.	Passed House.	Other proceedings.
60	A bill fixing the times of holding courts in the Eleventh Judicial Circuit and prescribing the length in each county thereof.....	216	216, 232	232	275
3	A bill attaching the counties of Hancock, Madison, Hamilton, Tipton and Howard to the Seventh Judicial Circuit, and fixing the time of holding circuit courts in said Circuit, and also repealing all laws conflicting therewith.....	219	219, 273	274	295, 318
30	A bill to provide for the transferring of the certificates of stock of the State of Indiana; providing for the registry of the same and to prevent a fraudulent issue thereof, and providing a punishment for violation of the provisions of this act.....	266	266, 276, 407, 1019	1019	1056, 1087, 1110
116	A bill to repeal all laws now in force establishing the times of holding circuit courts in the Second Judicial Circuit and to fix the times of holding said court.....	267	267, 276, 286	286	311, 318
1	A bill to amend sections 6, 7, 12, 9 and 20 of "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852, and providing for the opening of decrees in cases therein specified and the time when the same shall take effect.....	267	267, 431, 502		
107	A bill to authorize appraisers of real property and their deputies to administer all oaths and affirmations required to be administered in the discharge of their official duties.....	267	267, 431		
8	A bill to amend the first section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.....	267	267, 431, 560		
144	A bill to amend sections 8 and 9 of an act entitled "an act creating the 12th and 13th judicial circuits and providing for the election of judges thereof," approved February 9, 1855.....	285	386, 436	426	448, 452
84	A bill fixing the time of holding courts of common pleas in the county of Huntington, and prescribing the length of the terms, and providing for the return of process heretofore issued or that may hereafter issue.....	387	388, 402	402	430, 452
131	A bill to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a change of venue in certain cases.....	387	388, 421, 504, 1040	1049	1087, 1112
102	A bill to amend section 3 of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof.....	427	427, 810	811	812, 900, 939, 940, 952
49	A bill fixing the time of holding courts in the Fifth Judicial Circuit and repealing all laws in conflict therewith.....	427	427, 458	458	535
172	A bill to fix the time for holding the circuit court in the First Judicial Circuit, and repealing all laws in conflict therewith.....	427	428, 551, 955	956	990, 992

142	A bill to amend the 6th, 8th, 9th and 14th sections of an act entitled "an act to provide for the appraisal of real estate and prescribing the duties of officers in relation thereto," approved December 21, 1858, also defining the duties of appraisers and deputy appraisers, and the Auditor of State.....	428	428, 551, 715, 747, 852	855	1056, 1062, 1067
143	A bill to amend the 20th, 28th, 32nd, 33rd and 51st sections of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant," approved May 29, 1852.....	454	456, 536, 733, 835, 873, 1013, 1017, 1069	1070	
147	A bill to provide for the partition of real estate and for laying the same off into lots, out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect.....	455	456, 536, 555, 1022	1052	1055
170	A bill to fix the times of holding the court of common pleas of the county of Marion, and prescribing the length of the terms thereof and repealing all laws conflicting therewith.....	455	455	456	486
181	A bill to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court, and to fix the time of holding said court, and to require all parties, jurors, witnesses, and all others in interest to take notice thereof.....	457	457, 489	490	506
193	A bill to regulate the barter and sale of spirituous and intoxicating liquors and prescribing penalties for a violation of the same.....	493	494, 536		
63	A bill to amend the 5th section of an act entitled "an act to provide for the equalization and appraisal of the real property of the State of Indiana," approved May 28, 1852.....	538	538, 551, 1016	1016	1017, 1056, 1087, 1112
112	A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and to provide a penalty upon city taxes after the third Monday in March, A. D. 1859.....	538	539, 550, 674, 800	800	899, 922
145	A bill to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act.....	553	583, 584, 588, 624	628	634, 634, 663
220	A bill to authorize circuit courts and courts of common pleas to empanel traverse juries from the bystanders in all cases when the officers required by law to empanel juries have failed or refused to discharge that duty.....	639	629	630	634
23	A bill to fix the times of holding the terms of the court of common pleas of the counties of Allen and Adams, and to repeal all laws in conflict therewith.....	702	702, 767, 1047		
28	A bill to provide for the safe keeping of the bonds, mortgages and other securities entrusted to the care of certain officers herein mentioned.....	703	703, 767, 860	862	862, 983, 990
32	A bill for the better protection of growing cranberries and prohibiting the sale or purchasing the same within the time specified therein, and prescribing the punishment for the violation thereof.....	703	703, 767, 887		
39	A bill to amend the 7th section of "an act providing for the election of clerks of the circuit courts, and prescribing some of their duties," approved June 7, 1852.....	703	704, 768, 885		
40	A bill to amend section 151 of "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	703	704, 768		
174	A bill fixing the time of holding the court of common pleas in the county of Hendricks and the length of the terms thereof, and repealing all laws in conflict therewith.....	704	704, 768, 1012	1013	1087, 1112
203	A bill to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers.....	705	705, 832, 890, 941, 942	942	987, 1003, 1129



# BILLS OF THE SENATE.—Continued.

1222

Number.	TITLES.	Reported from Senate.	Proceedings thereon.	Passed House.	Other Proceedings.
16	A bill to amend the 1st section of an act to amend the 1st section of "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and ledgermain," approved June 15, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers, approved March 7, 1857.....				
19	A bill to provide for an enumeration to be made of all the white inhabitants over the age of 21 years in the year 1860, and every six years thereafter.....	705	706, 766, 837		
27	A bill to amend section 63 of "an act defining misdemeanors and prescribing punishment therefor," June 14, 1852.....	705	706, 767, 889		
36	A bill to amend the 6th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt certain property therein named from taxation.....	705	706, 767, 863		
207	A bill relative to the salaries of the judges of the supreme and circuit courts, and of prosecuting attorneys in the several judicial circuits of this State.....	765	706, 767, 859		
156	A bill authorizing purchasers of railroads, plank roads, turnpike roads and McAdamized roads or parts thereof, under mortgage sale or sales, made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties.....	768	768, 833, 1069, 1050		
240	A bill to authorize justices of the peace within their respective counties to administer oaths generally, and to legalize such as may have been administered in good faith and without fraud since the 6th day of May, A. D., 1857.....	769	769, 1028, 1054	1055	1116, 1149
192	A bill to provide for the letting out to the lowest bidder the public printing, binding and other work connected therewith, to abolish the office of State Printer, and making the Secretary of State <i>ex-officio</i> superintendent of public printing, and repealing all laws conflicting herewith.....	769	769, 833		
50	A bill to amend the 10th section of an act entitled "an act concerning the partition of lands," approved May 20, 1852.....	769	769, 923, 1109		
51	A bill for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people.....	771	772, 833, 857		
69	A bill to legalize all bonds and other instruments in writing executed by any assignee of a branch of the State Bank of Indiana, and authorize suits to be brought thereon, and to empower the debtors of any branch to secure the same to the sinking fund.....	771	772, 833, 888	888	940, 983
178	A bill providing for the election or appointment of supervisors of highways, and prescribing	771	772, 1058, 1074	1074	1169, 1116, 1119

246	certain of their duties, and those of county and township officers in relation thereto, and matters properly connected therewith.....	771	772, 924, 984, 1020	1020	1069, 1111
	A bill to authorize the Treasurer of State to pay out moneys to aid the Indiana Historical Society, and to provide checks and restrictions in the payment of the same.....	772	772, 836, 1053	1053	1063, 1087
255	A bill for the investment, distribution and safe-keeping of the funds arising from the 113th and 114th sections of an act establishing a State bank, approved January 28, 1834, and providing for the purchase of bank bonds, and prescribing the duties of certain officers therein named.....	772	772, 836	841	866, 900
	A bill to provide for the application of any surplus that may remain in the hands of the Auditor of State after the redemption of the circulation of any bank or banking association where such bank or banking association has received on deposit money belonging to the State, and failed to pay the same.....	825	825, 835	836	841
212	A bill granting permission to the Trustees of the Wabash and Erie Canal to rent or lease the same, and matters properly connected therewith.....	825	825, 935, 1010, 1066		
82	A bill to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	826	826, 924, 941	1086	1095, 1112
79	A bill to extend the time of payment to purchasers of saline and school lands.....	826	826, 1028, 1086		
2	A bill providing for the time and manner of election United States Senators.....	826	826, 1033		
103	A bill to prohibit the collection of tolls on gravel, turnpike, McAdamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent herewith.....	826	826, 1033, 1090	1090	1107, 1130
38	A bill to enable industrious indigent persons, who are unable to give security, to rent lands, and to secure the payment of rent.....	826	826, 1031		
46	A bill to amend section 4 of "an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana....."	827	807, 1026		
55	A bill to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct terms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity".....	827	827, 1038		
62	A bill for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto.....	827	827, 850, 897	897	939, 951
64	A bill to render public officers competent to testify in actions brought on their relation in the name of the State, and to permit the defendant's to testify in the same case.....	827	827, 850		
67	A bill requiring the superintendents of the several asylums to report the number of patients who are the offspring of parents married within the degree of consanguinity.....	827	827, 850		
68	A bill to amend the 9th section of an act entitled "an act providing for the election of clerks of the circuit courts, and prescribing some of their duties," approved June 7, 1852.....	827	827		
73	A bill to provide for the collection of taxes assessed against lands and lots mortgaged to secure loans made by the sinking fund, surplus revenue fund, saline fund, congressional township fund, seminary fund, college, and any other public or trust fund, to prevent loss of the security held by said funds, and to repeal the 8th section, of chapter 6, of Revised Statutes of 1852.....	827	827, 1023		

# BILLS OF THE SENATE.—Continued.

1224

Number.	TITLES.	Reported from Senate.	Proceedings thereon.	Passed House.	Other Proceedings.
41	A bill to separate the law books from the State Library, and constituting the same as the law library of the State of Indiana, and for the management and government of the same, and repealing conflicting laws.....	828	828, 850, 863		
58	A bill to amend the 14th section of an act entitled "an act for the government of the insane of Indiana," approved January 15, 1852.....	828	828, 1631		
77	A bill to amend the 18th section of an act entitled "an act concerning real property and the alienation thereof",.....	828	828, 1023, 2053	1053	1062, 1067
78	A bill to amend the 16th section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.....	828	828, 1023		
81	A bill fixing the compensation of executors and administrators, and to repeal section 148, of chapter 10, volume 2, Revised Statutes of 1852.....	828	828, 1027		
187	A bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein, and to amend the 15th section of an act to establish a bank with branches," passed the Senate and House on third day of March A. D. 1855, the Governor's objections to the contrary notwithstanding.....	828	829, 923, 924, 953, 1001, 1002, 1008 [1063, 1064		
101	A bill to authorize county treasurers to assess property which may be omitted by the assessors, and to legalize assessments heretofore made by treasurers.....	829	829, 922, 943	943	987, 962
134 251	A bill providing for the assessment of taxes for to "ship library" purposes..... A bill supplemental to an act entitled "an act fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length thereof in each county thereof," approved January, 1859.....	829	829, 933, 1073		
45	A bill to provide compensation to the owners of animals killed or injured by the cars locomotives or other carriages of any railroad company in this State, and matters properly connected therewith, and to repeal all laws in conflict with this act.....	829	830, 968, 1052, 1678	1078	1114, 1119
1042	A bill to amend the 1st section of "an act in relation to plank, McAdamized, tram and gravel road companies," approved March 1, 1855, and supplemental thereto, so as to enable corporations or companies to take possession of unfinished portions of said road, and to complete the same where the original corporation has failed to complete it, to prevent any company or corporation, when about to abandon any such road, from removing any material used in its construction, providing for enjoining the removal of the same, and to provide for the working of such abandoned road.....	830	830, 1031, 1103		
266	A bill to amend section 19 of an act entitled "an act regarding cartrays and articles adrift," approved June 10, 1852.....	933	934, 970, 1011, 1012	1012	1087, 1119
		933	934, 1027		



85	A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to repeal "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to establish township libraries, and for the regulation thereof," and all other laws in conflict with this act.....	969	970, 990, 1037	
158	A bill to limit the jurisdiction in civil actions in the county or township where one of the parties is immediately liable to judgment resides.....	970	970, 1026	
204	A bill supplemental to an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852, and making the order of the board of commissioners, under section 9 of said act, final in certain cases.....	970	970, 1020	1021 1055
164	A bill to amend the 11th section of an act entitled "an act establishing courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, and to give courts of common pleas jurisdiction of felonies in certain cases.....	970	970, 1024	
210	A bill to amend an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, approved February 15, 1857, and to revise section 28 of "an act defining misdemeanors and prescribing the punishment therefor," approved June 14, 1852.....	971	971, 1026	
143	A bill to regulate and restrict the sale, barter or giving away of spirituous and intoxicating liquors, to be used as a beverage, and to prohibit the sale, barter or gift of the same to certain persons, under certain circumstances, and to punish any violations of any of the provisions of this act and declaration of the duties of district or city attorneys in relation thereto, and affixing the penalty for neglect or failure to discharge said duties.....	972	972, 1025	
219	A bill to amend an act approved January 27, 1847, entitled "an act to amend an act entitled 'an act to incorporate the Eel River Seminary Society,' approved January 1, 1829, and for other purposes," to amend the second section of said act, to repeal the 3d, 5th and 8th sections, to clothe said society with additional powers, to provide for the increase of stockholders, the election of five trustees as sole managers of the affairs of said society, and their term of office, and the effect of a failure to elect, and to confirm the act of the board of commissioners of Cass county, in releasing to the stockholders of said society, property and revenues, and releasing all claims of the State thereto, and releasing the corporation from the operation of the act requiring the sale of county seminaries, and legalizing the proceedings of said corporation.....	973	973	
263	A bill fixing the time of holding the court of common pleas in the county of Wabash, and the length of the terms thereof.....	973	973, 1032, 1077	1078 1107, 1120
136	A bill for the recovery of damages from any officer holding his office under any law of this State, who shall illegally charge, demand or collect more than is legally due him as fees, and requiring such officer to receipt for all money collected.....	973	974	
121	A bill to protect those who exhibit animals or articles at any agricultural exhibition, and to punish any person or persons who may be detected in the removal of any label placed on any animal or article put on exhibition, and to punish persons who may enter fair grounds or other places of agricultural exhibition contrary to the rules of the society regulating the admission of persons to the same.....	974	974, 1032	
146	A bill to provide for the publication of all acts and joint resolutions of the General Assembly, which contain an emergency clause in one weekly newspaper of the several counties of the State in which one is published, and the line that said act shall take effect.....	974	974, 1026, 1085	
150	A bill declaring the sale or conveying of land without title a felony, and prescribing punishment therefor.....	974	974, 1027	

# BILLS OF THE SENATE.—Continued.

1226

Number.	TITLES.	Reported from Senate.	Proceedings thereon.	Passed House.		Other proceedings.
151	A bill entitled an act to authorize appeals from the circuit courts within this State to the supreme court in cont'sted election cases.....	974	974, 1031			
153	A bill to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject.....	974	974, 1026, 1079	1079		1101, 1119
163	A bill relinquishing to William English of Dearborn county, the interest acquired by the State of Indiana, by escheat, in and to in-lot No. (33) thirty-three, in Rossville in said county.....	974	974, 1027, 1074	1075		1147
201	A bill to require surviving partners to file inventories and appraisements in the office of the clerk of the court of common pleas and to report the liabilities of the firm.....	974	974, 1033, 1084	1084		1112
226	A bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved May 13, 1852.	974	974, 1022, 1047	1048		
205	A bill to repeal all laws now in force establishing the time of holding courts in the common pleas district composed of the counties of Washington, Harrison, Orange and Crawford, and to fix the times of holding said courts.....	975	975, 1024			
224	A bill authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads.....	975	975, 1023, 1054	1054		1062, 1067
106	A bill to provide for the relief of purchasers of real estate at sheriff's sales under execution, issued on judgments against sureties or forfeited recognizances, where such recognizances had been taken af or the revised statutes of 1852 took effect, and where such sureties being the owners of such real estate, had sold and conveyed the same after becoming such recognizors, but before judgments of forfeiture thereof had been taken.....	975	976, 1012, 1078	1079		1101, 1147
130	A bill to prevent the sale of adulterated liquors, to prevent adulteration, and to prescribe punishment therefor, and appointing a chemist and prescribing his duties.....	975	976, 1032			
154	A bill to prevent the keeping of gaming, tippling, lewd or disorderly houses; to protect the public morals, define the duties of certain officers in relation thereto, to provide punishment for violations of this act, and to repeal all laws in conflict herewith.....	975	976, 1032			
271	A bill to amend the 3d section of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto....."	976	977, 999, 1101	1101		1114
254	A bill supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, so as to provide for the levy of the township taxes for the year 1859, at the June term of the county board.....	976	977, 1000, 1072	1072		1095, 1110
122	A bill supplemental to an act entitled "an act to provide for the government and discipline of the State prison, and to repeal an act to provide for the government and discipline of the State prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857.....	976	977, 1031			



127	A bill to amend the 18th, 25th and 26th sections of "an act regulating descents, and the apportionment of estates," approved May 14, 1852.	976	977, 1023		
129	A bill declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor.	976	977, 1028, 1091	1091	1095, 1110
133	A bill to fix the amount of the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant librarian and clerk.	976	977, 1050	1051	1087, 1113
132	A bill for the protection of the Sabbath, with penalties for the violation thereof, and to repeal an act entitled "an act for the protection of the Sabbath, and providing penalties for the desertion thereof," approved February 28, 1855.	976	977, 1027		
117	A bill to amend the 238th and 241st sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and to provide for the examination and taking the depositions of parties as witnesses in civil actions and proceedings.	977	977, 1027		
119	A bill to amend section 5 of an act entitled "an act concerning the partition of lands" . . . . .	977	977		
94	A bill to amend the 1st and 6th sections of "an act for the encouragement of agriculture," approved February 17, 1852.	977	977, 1031		
188	A bill to provide for oral argument and speedy decision of causes in the supreme court, and to repeal all laws inconsistent with this act.	978	979, 1028		
186	A bill to amend the 2d section of an act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location.	978	979, 1096		
184	A bill to amend the 8th section of "an act in relation to county treasurers," approved June 4, 1852.	978	979, 1026, 1048	1048	1068, 1110
183	A bill in relation to the partition of real estate.	978	979, 1026, 1034, 1035		
165	A bill to amend section 15 of "an act defining felonies, and prescribing punishment therefor."	978	978, 1028		
193	A bill to enable married women to make wills.	978	979, 1031		
228	A bill for the better protection of orchards, gardens and vineyards.				
199	A bill to authorize clerks of the circuit and common pleas courts of this State to make out certificates of the payment of all judgments which may hereafter be rendered in such courts upon the foreclosure of any mortgage, when such judgments shall have been fully paid, and deliver the same to the recorder of such county, and requiring such recorder to enter such certificate upon the records of his office.	978	979, 1031		
202	A bill supplemental to article 9 regulating attachments, of chapter 1 of the revised statutes of 1852, "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	979	979, 1032		
204	A bill to amend an act entitled "an act to provide for the election, and prescribing certain duties of recorders," approved May 31, 1852.	979	979, 1028		
206	A bill to amend section 24 of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.	679	979, 1023, 1075	1075	1087, 1113
208	A bill to amend the 1st section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857, so as to allow new counties to be formed out of territories of less than 400 square miles, and prescribing how the number of qualified voters shall be ascertained.				
211	A bill to regulate the business of foreign insurance companies doing business within the State of Indiana, and prescribing the duties of such companies, and to repeal an act entitled "an act to amend an act entitled 'an act for the incorporation of insurance companies, defining their powers and prescribing their duties,'" approved March 2, 1855.	979	979, 1023, 1024, 1031, 1033, 1062, 1083	1083	1114, 1119
		992	992, 1017		



# BILLS OF THE SENATE.—Continued.

1228

Number.	TITLES.	Reported from Senate.	Proceedings thereon.	Passed House.	Other Proceedings.
176	A bill to amend sections 8 and 13 of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852. ....	1014	1014		
209	A bill to amend the 1st section of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1853. ....	1014	1014		
275	A bill supplemental to an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852. ....	1014	1014, 1095		
277	A bill to fix the terms of the Hancock circuit court after the next term thereof, and to authorize the court at each term thereof to continue in session two weeks, if the business requires it.	1033	1033, 1095, 1099	1100	1109, 1111
257	A bill for the relief of the lessees from the State of the water power and other privileges on the northern division of the central canal, authorizing suits upon the bonds of Francis H. Conwell and others, for their benefit, and to subject the property conveyed to said Conwell by the State to the payment of the damages sustained by said lessees, their heirs, executors, administrators and assigns, by the breach of the conditions of said bond. ....	1060	1060	1061	1087
262	A bill to provide for the printing and binding of 2,000 copies of the laws passed at the special session of the General Assembly in the year 1858, and at the regular session thereof in the year 1859, in the German language, and for the distribution and sale of the same. ....	1081	1081	1082	1093, 1112

# RESOLUTIONS OF THE HOUSE.

1229

SUBJECT MATTER OF.		Introduced.	Movers Names.	Other Proceedings.	Adopted.
That the Principal Clerk act as presiding officer pending organization of the House.	4	4	Turpie.....	4	13
Informing Senate of the organization of the House.	13	13	Gifford.....		14
Adopting the rules the House of Representatives of the last regular session.	14	14	Turpie.....		15
Providing for seats for the Reporters inside of the bar.	15	15	Murray.....		15
Providing for a committee to revise and prepare rules for the government of the House.	15	15	Austin.....		
In relation to the expediency of having an official reporter for the House, and the cost of the Legislative Sentinel.	18	18	Scott.....	15	
Directing a subscription for certain newspapers.	19	19	Nebecker of Vermilion.	18, 19, 23	
Providing for opening the General Assembly with prayer.	19	19	Murray.....		19
Inviting the Senate in the Hall of the House to receive the Governor's message.	19	19	Dobbins.....		19
Directing the Doorkeeper to procure postage stamps for the members of the House.	20	20	Posselt.....	19	20
Authorizing the Doorkeeper to appoint two pages.	20	20	Gifford.....	20	20
Allowing the clerks one copy each of the papers subscribed for by the House.	20	20	Durham.....		21
Providing for the appointment of a select committee on stationery.	21	21	Blanton.....		21
Directing the stationery clerk to render an account to the Secretary of State of the disbursements of the special session.	21	21	Turpie.....		21
Relative to printing the Governor's message.	31	31	Boyd.....	31, 32, 48	31
Authorizing a subscription to be made for certain newspapers.	31	31	Murray.....	32	
Authorizing a subscription to be made for the American and Citizen.	32	32	Austin.....	41	42
Authorizing the printing of the list of standing committees of the House.	41	41	Miller.....		42
Directing the committee on stationery to report the amount of stationery used by the House at the late special session, &c.	42	42	Dougherty.....		42
Calling on the State Printer for certain information relative to the printing for the special session.	45	45	Murray.....		46
Relative to selecting seats.	46	46	Kempf.....		46
Relative to the expediency of abolishing the office of Attorney General.	46	46	Rollinson.....	46	46
Requiring the Doorkeeper to perform the duties of Sergeant-at-Arms without additional pay.	46	46	Ritter.....		47
Directing the Doorkeeper to procure certain information of the State Printer.	47	47	Samuels.....	47	47
In regard to subscribing for certain newspapers.	47	47	Gregory.....		48
Calling on the judiciary committee for certain information.	48	48	Shull.....	48	50
Authorizing the Doorkeeper to contract for certain newspapers for the use of the members.	50	50	Murray.....		50
Directing an inquiry into the expediency of making a proposed amendment to the road law.	50	50	Harrison.....	50	51
Relative to collecting toll by bridge and plank road companies when not kept in repair.	51	51	Turpie.....		51
Relative to erecting another insane asylum at or near Jeffersonville.	51	51	Lawhead.....	51	51
Directing an inquiry into the expediency of abolishing the office of township assessor.	51	51	Carr.....	51	51
Directing an inquiry into the constitutionality of the forms and precedents found in the Revised Statute of 1852.	51	51	Brotherton.....		52
Directing a subscription for newspapers.	51	51	Black.....	51	
			Fisestone.....		

## RESOLUTIONS OF THE HOUSE.—Continued.

SUBJECT MATTER OF.		Introduced.	Movers Names.	Other Proceedings.	Adopted.
Relative to making certain amendments to the road law.....		52	Parks.....		52
Calling on the Doorkeeper to report the number of his assistants.....		52	Fullivan.....		52
Concerning the law providing for working on the roads.....		52	Waterman.....		52
Concerning the law providing for newspapers taken by the House.....		53	Hamilton of Boone.....	53	53
Concerning the prices to be paid for newspapers taken by the House.....		53	Kempf.....		53
Giving certain instructions to the Doorkeeper.....		53	Wildman.....		53
Directing the Doorkeeper to furnish each member with a copy of Jefferson's Manual.....		53	Colgrove.....		53
To add three members to the judiciary committee.....		53	Hamilton of Wayne.....	53	
Directing the Doorkeeper to distribute the Legislative Sentinel.....		53	Newton.....	54	
Authorizing a subscription for certain newspapers.....		54	Summers.....		54
Concerning a change in the mode of doing township business.....		54	Kelly.....		54
Directing an inquiry into the expediency of taxing dogs.....		54	Smith of Perry.....		54
Authorizing the committee on ways and means to employ three clerks.....		54	Firestone.....		54
To provide for the payment of costs in State cases.....		60	Davis.....		60
Calling on the Auditor of State for certain information.....		62	Boyd.....		62
Requesting the superintendents of the deaf and dumb and blind institutions to give exhibitions.....		63	Stanfield.....		63
Relative to the employment of clerks by the committee on ways and means.....		63	Jones.....		63
Concerning the duties to be performed by deputy treasurers and auditors.....		64	Firestone.....	64	64
Relative to levying a tax to be applied on public lands.....		64	Hartley.....		64
To authorize each taxpayer to deduct his indebtedness from money on hand or at interest.....		64	Hancock.....		64
Referring a certain portion of the Auditor's report to the judiciary committee.....		64	Murray.....		64
Relative to ordering a geological survey of the State.....		64	Treadway.....		64
Relative to the use of the Hall to a State Temperance Convention.....		86	Harny.....	86	86
To prevent banks from charging a greater rate of interest than that allowed to individuals.....		86	Dobbins.....		86
Relative to distributing the funds arising from the State Bank among the several counties.....		86	Murray.....		86
In regard to making certain changes in the township law.....		87	Summers.....		87
Giving instruction to the Doorkeeper to regard to mail matter.....		87	Knowlton.....	87	87
Referring a certain portion of the Governor's message to a select committee.....		87	Sullivan.....		87
Excusing Mr. Dougherty and adding Mr. Parks to the committee on education.....		87	Collier.....	87	
Adding Mr. Snyder to the committee on swamp lands.....		87	Stanfield.....	88	
Relative to amending the law regulating fees and salaries.....		88	Snyder.....		88
Excusing Mr. Eastham and adding Mr. Firestone to the committee on military affairs.....		88	Dobbins.....		88
Concerning the circulation of small bank notes.....		88	Jordan.....		88
Relative to the mode of selecting jurors.....		88	Johnston.....		88
Relative to making certain changes in the law regulating fees and salaries.....		88	Waterman.....		88



Making an addition to the standing rules of the House.....	89	Treadway.....	89, 122
To make certain changes in the law relating to the evidence of parties.....	89	Wildman.....	89
Relative to instituting a suit against Allen May and his securities.....	106	Hamilton of Boone.....	106
Inviting the Senate to go into joint convention for the election of the various officers.....	109	Stanfield.....	109
Relative to amending the divorce law.....	131	Johnson.....	131
Relative to making an allowance to T. C. Gilpin for services as prosecuting attorney.....	131	Hall of Rush.....	131
To amend the law providing for the collection of the public revenue of the State.....	131	Murray.....	131
Concerning the suppression of theatrical entertainments, horse racing, gaming, etc.....	131	Collier.....	132
Calling on the Auditor of State for certain information.....	132	Snyder.....	132
Relative to boring an Artesian well at the Insane Asylum and lighting it with gas.....	132	Austin.....	132
In regard to the expediency of abolishing the township system.....	132	Lawhead.....	132
To provide for a select committee to examine the accounts of the Agent of State and the Trustees of the State prison.....	132	Smith of Perry.....	132
Calling on the superintendents of the benevolent institutions for certain information.....	133	Kempf.....	133
Relative to making a certain amendment to the school law.....	133	Waterman.....	133
Declaring the opinion of the House in regard to the subject of education.....	133	Hartley.....	133
Relative to making a change in the manner of distributing the school fund.....	133	Durham.....	133
Relative to abolishing the office of Superintendent of Public Instruction.....	134	Claypool.....	134
To adjourn over that the State Temperance Convention might occupy the Hall.....	134	Nebecker of Warren.....	134
Providing for a joint convention to elect sinking fund commissioners.....	142	Hunter.....	143
Relative to suing makers and assignees of any writ in instrument where they reside.....	143	Row.....	143
Concerning the sale and manufacture of cider and domestic wines.....	143	Sullivan.....	143
Relative to amending the probate law with reference to claims.....	143	Turpie.....	143
Relative to amending the law providing for the distribution of the school fund.....	143	Hancock.....	143
Concerning the cost of conveying convicts to the State prison from north of the National road.....	143	Lawhead.....	144
Relative to abolishing the township library system, etc.....	144	Shall.....	144
Authorizing the committee on education to employ a clerk.....	144	Boyd.....	144
Concerning a law to prevent the spread of the Canada thistle.....	144	Turpie.....	144
Calling on the Superintendent of Public Instruction for certain information.....	144	Murray.....	144
Relative to the constitutionality of chapter 59 of the Acts of 1857.....	145	Gordon.....	144
Concerning the cost of the office of Attorney General, etc.....	145	Gordon.....	145
Requesting the committee to whom House bill No. 19 was referred to return the same.....	145	Hamilton of Boone.....	145
Concerning a reduction in the compensation of the Superintendent of Public Instruction.....	145	Murray.....	145
Relative to appropriating the interest on the sinking fund to the support of common schools.....	146	Waterman.....	146
Tendering the use of the Hall to Gen. Carey for a lecture on temperance.....	148	Hamilton of Boone.....	148
Inviting the Senate to meet in joint convention instant.....	150	Hunter.....	150
Dispensing with the exhibition of the blind.....	157	Prosser.....	157
Authorizing the appointment of a committee to investigate the condition of the sinking fund.....	178	Edwards.....	178
Relative to amending the appraisement law passed at the special session.....	179	Stanfield.....	179
Relative to enlarging the common pleas districts.....	180	Stiles.....	180
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